

Quarterly of the California Historical Society

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From an oil painting lent to the California Historical Society by Mrs. John W. Gray.

Quarterly of the California Historical Society

THE STRUGGLE FOR CIVIL GOVERNMENT IN CALIFORNIA, 1846-1850

By JOSEPH ELLISON

CHAPTER I

AMERICAN BEGINNINGS IN CALIFORNIA

Properly speaking, the relations of California with the United States government began in 1846, with the hoisting of the Stars and Stripes by Commodore Sloat. But when this event took place, California was already in the process of becoming Americanized. Hence the prelude to the dramatic event of July 7 was the gradual penetration of Americans into California during the years prior to 1846.

Coming of Traders and Trappers. This penetration of Americans into California began during the Spanish régime, when Yankee traders opened illicit commercial dealings with the sparsely settled pastoral communities along the coast.¹ Many of these traders and sailors settled in California, so that, as far back as 1812, Jefferson "looked forward with gratification to the time" when the whole length of the Pacific Coast would be covered with "free and independent Americans, unconnected with us but by the ties of blood and interest, and employing like us the rights of self-government."² To minds less visionary than Jefferson's, such an idea seemed, perhaps, an empty dream. Three decades later, however, this dream was beginning to become a reality, for by that time the American settlers had begun to drift into California by land as well as by sea.

The overland routes were opened up, not by government engineers nor by official explorers, but by simple, adventurous trappers and hunters, who, in quest of new trapping grounds, followed the streams, climbed the mountains, and

¹ Trade relations between California and the United States began in 1795, when the first New England fur trading vessel landed at Monterey. After 1800 the New England whaling vessels also began to trade along the California coast. In 1822 the hide and tallow trade was opened up by the "Boston ships." The classic description of the hide trade is Richard Henry Dana's *Two Years Before the Mast*. Dana left Harvard College in 1834, at the age of nineteen, to go on a voyage to California. He stayed in California during 1835 and 1836. In his book, first published in 1840, he gives a vivid description of what he had seen in California. The best secondary authorities for the early interest of Americans in California are Cleland, *The Early Sentiment for the Annexation of California, from 1835 to 1846*; Chapman, *A History of California: The Spanish Period*. Chapman gives the beginning of commercial relations between California and the Americans as October, 1796. See also Ogden, Adele, "Boston Hide Droghers along California Shores," this *Quarterly*, VIII, 289-305, for a study of the hide and tallow trade.

² Thomas Jefferson to John Jacob Astor, May 24, 1812. *The Writings of Thomas Jefferson*, Library Ed. XIII, 151.

discovered their lowest passes. These trappers of the west — Smith, the Patties, Jackson, Walker, and many others — blazed the trails and prepared the road over which the grand march of the Americans began.³ Referring to Pattie's narrative, Thwaites said:

One sees in his pages the beginning of the drama to be fought out in the Mexican War — the rich and beautiful country, which excited the cupidity of the American pioneer; the insolence and effeminacy of the inhabitants, which inspired the backwoodsmen's contempt; and the vanguard of the American advance, already touching the Rockies, and ready to push on to the Pacific. The Spanish-American official, displaying his little brief authority, but irritated the restless borderer, whose advent he dreaded, and whose pressure finally proved irresistible.⁴

Organized Immigration Into California. Neither the Yankee traders, who indeed became more or less assimilated with the native population⁵ nor the straggling trappers, did more than merely turn the attention of Americans to the distant land on the Pacific shore. It was only with the coming of the Americans of the "Western Waters" — men who were imbued with the idea of "manifest destiny," and in whose ears was still ringing the story of the "Texas game" — that the real foundation of American civilization in California was laid. Every accession of immigrant parties hastened the death knell of the Mexican régime in California.

This march of American pioneers to California was not an isolated occurrence; it was a part of the general westward movement of the American people. What was the impelling cause? Was it desire for mere personal gain, or love of adventure; or was it some deeper force, a national aspiration, to work out a national destiny? The answer seems to be that it was both. The motives that induced the individual American to move onward to the West varied greatly: with some it was the quest of fortune; with others it was the lure of adventure. But the underlying force that impelled the westward movement was something bigger and deeper; it was the spirit of expansion. The first half of the Nineteenth Century marks the golden period of American expansion. The American nation was just entering its adolescent stage, when a nomadic tendency and an instinct of expansion are strong. The War of 1812 strengthened national self-consciousness, and prompted it to look westward. Expansion westward, south-westward, and northwestward began to attain its full swing.⁶ This was the

³ As far as we know, the first of these trappers to straggle into California was that romantic adventurer, Jedediah S. Smith. In the summer of 1826, Smith with a party of fifteen men set out from the Great Salt Lake to explore the region to the southwest. After several months of travel, he arrived at San Diego. Two years later the Patties reached California. They were followed by a number of other adventurous trappers, of whom we know less, but who are perhaps more important than some of those of whom we do know so much. Cleland, *Early Sentiment for Annexation of California*, 9-12; Goodwin, *The Trans-Mississippi West*, 428-32; Thwaites (Editor), *Early Western Travels*, XVIII, is Pattie's *Personal Narrative*. (*The Personal Narrative of James O. Pattie*, edited by Timothy Flint, was first published in 1833 in Cincinnati.) See also Hill, *American Fur Trade in Far Southwest* for new light on the relative importance of some of these early pathfinders.

⁴ Thwaites, *Early Western Travels*, XVIII, 19.

⁵ Many of these merchants became Mexican citizens, and married wives from some of the most prominent California families. Cleland, *Early Sentiment for Annexation of California*, 6, note 12.

⁶ Garrison, *Westward Extension*, 21.

period when the American people, especially the aggressive westerners, were imbued with the idea that it was the manifest destiny of the United States to control the whole North American continent.

The successful revolt of the Americans in Texas in 1836, and the participation of Americans in the California revolution of that same year,⁷ tended to deprecate the effeminate Mexican in the eyes of the American backwoodsman. The desire to play the "Texas game" in California took a firmer hold upon his mind. In fact, a few of the more restless ones advocated such a plan as early as 1840; but on account of the insufficiency of the American population in California, this program had to be postponed. Nevertheless, the conviction that this step would be taken sooner or later was expressed quite freely among Americans in California.⁸ This state of affairs was foreseen by many keen observers. Alexander Forbes, an Englishman, wrote in 1838 that California was threatened by the restless and enterprising Americans.

For although the frontiers of North America are much more distant than the Russians, yet to such men as the Backsettlers, distance is of little moment, and they are already well acquainted with the route. The northern American tide of population must roll on southward, and overwhelm not only California, but other more important states. . . . The invasion of California by American settlers is daily talked of.⁹

By 1840 reports about the "genial skies and fertile lands" of California had reached the United States through Americans who had returned from that distant land. California, the country described as a "perfect paradise, a perpetual spring," where age was unknown,¹⁰ attracted considerable attention, especially in the western frontier states and territories, where times were hard, and where the population was always in a state of flux. In Missouri public meetings were held to discuss the question of emigration to California. From that time on, American emigration to California assumed the character of an organized, concerted movement.

⁷ This was a revolt of the "native sons" against the Mexican Governor Gutiérrez. The American trappers, led by Isaac Graham, took an active part in this successful revolt. The Americans claimed that Alvarado, the leader of the revolt, promised them that if the revolt should prove successful, the country would be declared independent. Farnham, *Early Days of California*, 62.

⁸ Cleland, *Early Sentiment for Annexation of California*, 21; Bancroft, *California*, III, 399; Davis, *Sixty Years in California*, 58.

⁹ Forbes, *History of California*, 152. Forbes was an English merchant who lived in Tepic, Mexico, for many years and had corresponded with some residents in California. His book was published in 1839. Chapman, *History of California*, 494. Milton J. Ferguson in the Introduction to Thomas C. Russell's reprint (San Francisco, 1919) of Forbes' *History of California* states that Forbes was one of the founders of Barron, Forbes & Co., of Tepic, Mexico, and that he became British Consul-General in Mexico City about 1835. Justin Smith, in *The War with Mexico*, states that he was the British Consul at Tepic. He is not to be confused with James Alexander Forbes, the British Vice Consul at Monterey.

¹⁰ At one of these meetings in Missouri, Rubidoux, who had been to California, was asked if chills and fever were common in that paradise land. The speaker replied, "There never was but one man in California who had the chills. He was from Mo. [Missouri] and carried the disease in his system. It was such a curiosity to see a man shake with the chills that the people of Monterey went eighteen miles into the country to see him." Bidwell, John, "California, 1841-8," 5-6, MS in Bancroft Library. Cleland, *Early Sentiment for Annexation of California*, 25.

Many were anxious to answer the call of the Farthest West; but the long distance to be traversed, with its almost insurmountable barriers of mountains, deserts, and hostile Indians, discouraged the great majority. It was not an undertaking for the timid or the weak; it was a venture for the aggressive, strong, self-reliant men and women.

Many of these emigrants went to California with the belief that sooner or later the territory would become American and be dominated by the Anglo-Saxon race. One such enthusiast was Lansford W. Hastings, a young Ohioan, who had come to California with a party from Oregon in 1843. We do not know whether he came with predetermined ideas of revolution,¹¹ but the fact is that he proved to be a tireless missionary for revolt. When he found that the American population was yet too small to insure success for the undertaking, he went back to the East to induce others to go to California.¹² On his way to New York Hastings confided to Benjamin Green, Chargé of the United States in Mexico, that California was "on the point of following the example of Texas, and declaring her independence"; and that "the whole project [had] been well digested, and reduced to a systematized plan." The execution of this design was to take place upon the arrival of reinforcements in the form of settlers from the East.¹³

The project of a Pacific republic dominated by Americans was broached frequently. As early as 1841 Wilkes prophesied that in the near future California would be separated from Mexico, and, together with Oregon, would form a nation that would control the destinies of the Pacific.¹⁴ There were many rumors that a movement would soon be under way to form an independent republic of California and Oregon. An Oregonian was quoted in the *Western Express* of August 16, 1845, as saying that "many of the settlers are in favor of organizing an independent government, thinking themselves too far away from the United States for protection."¹⁵ Thompson, the United States minister at Mexico, wrote his government that he had been asked whether the United States would consent to surrender her title to Oregon, so that the latter might be able to join California for the purpose of forming a Pacific republic. Thompson favored the project of an independent Pacific republic ruled by the Anglo-Saxon race with the "same language, liberty, and laws." He was of the opinion

¹¹ His personal friend John Bidwell stated that Hastings had come to California with the intention of raising a revolution to make California an independent republic. Bidwell, "California, 1841-8," 110-12. See also Kelly, Charles, *Salt Desert Trails*, Salt Lake City, 1930, p. 17.

¹² Hastings delivered lectures on the wonderful land on the Pacific Coast. Bidwell, "California, 1841-8," 111.

¹³ Green to Calhoun, April 11, 1844. Correspondence of John C. Calhoun, edited by J. Franklin Jameson in *American Historical Association Report*, 1899, II, 945-47.

¹⁴ Wilkes, *Narrative of the United States Exploring Expedition during the Years 1838-42*, V, 182-83.

¹⁵ Neff, "Mormon Migration to Utah." MS Thesis (Ph.D.), 1918, University of California Library.

that California was too remote from the United States to become a member of the Union.¹⁶ There were many who, like Thompson, favored an independent republic in preference to annexation, fearing that annexation of such a large amount of territory might make the Union unwieldy.¹⁷

There was also a difference of opinion among the Americans in California. Some thought that California and Oregon should immediately form an independent Yankee government,¹⁸ while others believed that California should become and remain a part of the United States until she had an American population large enough and strong enough to enable her to stand on her own feet. To this group belonged Dr. John Marsh, one of the most prominent Americans in California. He was fully convinced that nature itself pointed out the union between California and Oregon for the formation of one of the greatest nations, with Yerba Buena as the capital.¹⁹

But the year 1845 passed without the realization of the hopes of those who cherished the idea of making California a Yankee land. An attempt to organize the Americans in California was made by some of the leading pioneers. Invitations, signed by Dr. Marsh and twenty-two others, were sent out on March 27 to all foreigners to meet at San José, July 4. The purpose of the proposed organization was to promote unity among the foreigners.²⁰ Weber, who was one of the initiators of the movement, stated that the organization was also designed to bring about the independence of California.²¹ Indeed, some of the Americans, especially the newcomers, were ready to revolt,²² but were held in check by the more cautious element.

This waiting policy was due to the expectations of reinforcements from the East. Hastings, who had gone back to the United States, published a book called *The Emigrants' Guide to Oregon and California* (Cincinnati, 1845), in which he painted the territory on the Pacific in most glowing colors. His book and lectures created a great deal of interest in California. "The prospects are

¹⁶ Thompson, Waddy, *Recollections of Mexico*, 232-35.

¹⁷ It is said that Webster favored an independent republic on the Pacific Coast. *Wide West*, May 20, 1856. And as late as March 10, 1856, Senator Evans, of Maine, declared in the Senate that it would be best for the United States to let Oregon join California to form together an independent government, for he was convinced that if the territory should be under the Stars and Stripes, it would make the United States unwieldy, and the Pacific Coast could never receive the proper attention from Washington. *Cong. Globe*, 29 Cong., 1 Sess., 478. See also Reynolds to Larkin, April 19, 1845, Larkin Documents for the History of California, III, No. 116. MS in Bancroft Library.

¹⁸ To this class belonged some of the more radical element, such as Hastings.

¹⁹ Marsh to Larkin, Aug. 12, 1845. Larkin, Documents for the History of California, III, No. 247. MS in Bancroft Library. For further information respecting Dr. John Marsh, see Lyman, George D., *John Marsh, Pioneer*, New York, 1930.

²⁰ The circular with the names of the initiators of the movement is quoted in Bancroft, *California*, IV, 599, note 22.

²¹ *Ibid.*, 599.

²² *Ibid.*, 298.

bright, the American people are much interested in California," he wrote to Thomas Larkin at Monterey.²³

The Mexican hold on California was now threatened not only by the adventurous aggressive American settlers, but also by the United States government. "For a decade prior to the Mexican War, a well-defined movement for the annexation of California was developing in the United States," says Cleland.²⁴ Jackson, Tyler, and Polk made efforts to purchase a part or the whole of the territory from the Mexican government. As early as 1835 Jackson offered to purchase the important harbor of San Francisco,²⁵ but without success. Likewise Tyler's efforts to secure California were fruitless. These failures did not, however, discourage the American expansionists. President Polk entered his office with the acquisition of California as one of his great measures.²⁶ Articles on California frequently appeared in the eastern press.²⁷ The death knell of the Mexican régime in California was about to ring.

Attitude of the Mexican Government. The Mexican government felt the approaching crisis, but was unable to prevent it. From time to time various means to protect the country against foreign encroachment were considered in Mexico and in California. At a *junta* held April 4, 1840, the danger of revolutionary designs on the part of the Americans was discussed at great length, and it was decided that all foreigners of a suspicious character should be arrested. Nearly a hundred foreigners, English and American, were arrested on the charge

²³ Hastings to Larkin, March 3, 1846. Larkin, Documents for the History of California, IV, No. 55. MS in Bancroft Library. During this time rumors circulated in the western region that the Mormons were planning to migrate to California to establish an independent government around the Bay of San Francisco. A letter signed "Backwoodsman," addressed to Brigham Young, protested against the design of the Mormons. It reads:

"I see from the papers that you Mormons as a body intend to remove next spring to California. I myself am one of a very large number who have for some time been making arrangements for a settlement there with a view to the ultimate and not very remote establishment of an Independent government, not with a view to annexation to this government at all, but for that and Oregon to form the United States of the West. General Leslie, Combs, of Kentucky, and several sons of Mr. Clay are of the number, and the design will be carried out, and it is folly in you to think of settling there, unless it be on terms of compromise." Quoted in Neff, "The Mormon Migration to Utah," 90-91. MS Thesis (Ph.D.), University of California Library.

²⁴ Cleland, *The Early Sentiment for the Annexation of California*, 1. In 1842, Commodore Jones, commander of the Pacific squadron, believing that the United States and Mexico were at war, seized Monterey. After realizing his mistake he apologized to the Mexican authorities.

²⁵ *Ibid.*, 13.

²⁶ McCormac, *James K. Polk*, 351. The New York *Journal of Commerce* published beneath Polk's inaugural address an article entitled "California Coming." Cleland, *op. cit.*, 45, note 22.

²⁷ See *Niles' Register*, LXVIII, 68, 162; LXIX, 6, 203. "Information in regard to this favored portion of the globe," said the New Orleans *Courier*, "is eagerly sought after by our citizens, as it is destined ere long to be annexed to the United States. The large number of Americans already settled and emigrating there, give assurance of the result." The New Orleans *Tropic* deprecated "the spirit of aggression and national plunder which has seized upon the minds of a portion" of the American people. Quoted in *Niles' Register*, May 17, 1845, LXVIII, 162. Similar articles appeared in other eastern papers. California had her "boosters" among the residents in that territory who constantly praised the country in their letters to their friends in the East. Cleland, *Early Sentiment for Annexation of California*, 56-63.

of fostering revolutionary designs.²⁸ But, through the efforts of the British and American representatives in Mexico, most of the prisoners were released immediately, and the rest of them some time later.²⁹

The Mexican authorities feared the aggression of the westerners who boasted of the great things they could do, more than they feared the United States government.³⁰ The Mexican Minister of War, General Almonte, instructed Vallejo, the *comandante general* of California, to be on guard against the incoming Americans and to put little trust in their claims that their intentions were not revolutionary, for similar assurances had been given by the Americans who had come to Texas.³¹

To counteract the activity of Americans in California, who were working to increase the American population in that territory, Almonte, the Mexican minister at Washington, addressed a letter to the *Baltimore American*, in which he stated that the Mexican government had no desire to colonize California with foreigners.³² On July 14, 1843, President Santa Anna issued an order to the governor of California to expel all the natives of the United States.³³ The order was rescinded only after Thompson, the United States minister at Mexico, had resorted to diplomatic threats.³⁴ The Mexican authorities considered various means of defense against the aggressive Americans. They proposed to colonize California with Spanish, Swiss, and Germans;³⁵ and to organize a citizen militia which was to prevent and suppress revolutionary projects.³⁶

But the Mexican government was too inefficient to carry out such action in a remote province, and the local authorities in California were too busy with factional strife. All attempts, therefore, to stem the tide of American migration into California failed. The Americans were intrenched in several places,³⁷ and there they talked and dreamed of the time when California would become American territory. In a way the celebrated Bear Flag Revolt was the fruition of this long-nursed aspiration.

*The Bear Flag Revolt.** The immediate cause of the Bear Flag Revolt was

²⁸ Larkin to the Secretary of State, April 20, 1844. Larkin, *Official Correspondence*, II, No. 6. MS in Bancroft Library. Cleland, *Early Sentiment for Annexation of California*, 21-22.

²⁹ Cleland, *op. cit.*, 22.

³⁰ Royce, *California*, 40-41. As early as 1831 Carillo hinted at the danger to California from a people who recognized no right of domain not based on actual possession. Bancroft, *California*, III, 598.

³¹ Cleland, *Early Sentiment for Annexation of California*, 26.

³² The letter dated Dec. 2, 1842, is printed in *Niles' Register*, LXIII, 277.

³³ Thompson, *Recollections of Mexico*, 227; *Niles' Register*, LXV, 353.

³⁴ *Ibid.*

³⁵ Bancroft, *California*, IV, 416.

³⁶ Hittell, *History of California*, II, 374.

³⁷ New Helvetia, Sutter's fort, was considered the headquarters of the Americans. Here Sutter reigned like a feudal lord and chafed under any attempt of the government to meddle in that district. He wrote Leese that if the Californians will injure him, he will "make a declaration of independence and proclaim California for a Republique independent of Mexico." He relied greatly upon the Missourians and the people of the Willamette. Richman, *California Under Spain and Mexico*, 271; Bancroft, *California*, IV, 239. The letter of November 8, 1841, is quoted in part by Bancroft. *Ibid.*, note 29.

* Documents relating to this movement are to be found in this *Quarterly*, I, 72-95, 178-91, 286-95; II, 69-74; III, 179; VI, 271-74, 364-65, 368-70, 374. — Ed.

a rumor that the California authorities were preparing to expel American settlers. Such rumors were always current among the American settlers.³⁸ The time, however, was opportune for action. The American population had increased considerably. Close at hand was the protecting shield of Captain Frémont and his company of well-trained men. Clearly, this was a favorable moment to strike for independence. The first move was the seizure of a band of Castro's horses. This accomplished, Ide's proposition to widen the breach, to go on to Sonoma, and "cry aloud for independence" was received with much enthusiasm in Frémont's camp.³⁹

It was with such ideas in mind, undoubtedly vaguely conceived, that a band of thirty-three armed and mounted American settlers arrived at Sonoma at dawn on June 14, 1846. They took possession of the garrisonless fortress, and set out to arrest the *comandante*. Vallejo was awakened, and was told that the object of the revolt was "to make California a free and independent government."⁴⁰ Articles of capitulation were drawn up and signed by the revolutionists and the *comandante*, whereby the latter agreed not to take up arms against the captors, and the former, who signed as "members of the republican party in California," pledged themselves not to disturb private property but to establish a government on republican principles.⁴¹

After signing the articles of capitulation, the revolutionists undertook to organize an independent republic. First a flag was devised. It consisted of a piece of plain cotton cloth, five feet long and three feet wide. In the upper left-hand corner the artist, Mr. Todd, painted a large red star as an emblem of a state. Facing the star was a crude painting of a grizzly bear, as an emblem of strength. At the lower edge was sewn a strip of red flannel, and underneath the figures were painted in large Roman letters the words, "California Republic."

After raising this crude but symbolic flag, the "members of the republican party" decided to issue a proclamation announcing to the people of California the causes of the revolt and the intentions of its promoters. The proclamation, drawn up by Ide, the commander-in-chief of the revolutionary forces, denounced the despotism of the former government, and invited all good citizens of California to assist the revolutionaries in "establishing and perpetuating a 'Republican Government,' which shall secure to all, civil and religious liberty . . ." ⁴²

During the night of June 15, Ide also addressed a letter to Commodore Stockton of the United States Navy. Ide did not ask for assistance, but merely informed the officer, and through him the United States and the world in general, of what had taken place, that in self-defense they had been compelled to take

³⁸ Bidwell, "California, 1841-8," 159. *Life of William B. Ide*, 108-9. Bancroft claims that Castro had never issued such a proclamation.

³⁹ *A Biographical Sketch of the Life of William B. Ide*, 116-17.

⁴⁰ Richman, *California Under Spain and Mexico*, 310.

⁴¹ The capitulation articles are quoted in Bancroft, *California*, V, 113, note 24. See also this *Quarterly*, I, 72-73, and Ide's *Biographical Sketch*, 144-46.

⁴² A facsimile of the original in the Huntington Library is contained in this *Quarterly*, Vol. I, facing p. 74. See also *ibid.*, pp. 74-79. The proclamation given in Ide's *Biographical Sketch*, 138-40, differs materially from the original and was probably written later.

up arms against the Mexican government and to set up an independent government. The commodore was also informed that on account of the lack of powder to use in the cannon, the revolutionary force would not be able to resist the "operation of cannon" against it. In conclusion, the commodore was assured that it was the object of the leaders of the new government "to embrace the first opportunity to unite our adopted and rescued country, to the country of our early home."⁴³

Captain Montgomery, commander of the United States ship *Portsmouth*, replied immediately that, while he was fully in sympathy with any movement to resist oppression, he had no right as a representative of a government at peace with Mexico to identify himself with any revolutionary movement or to offer it any aid.⁴⁴

Ide was confident, however, that even without aid from the United States officers, he would be able to resist any attempt of the Mexican authorities to crush the revolution, especially since the numbers of the revolutionary forces were being constantly increased by new recruits. Of course it is impossible to tell what the results would have been had not war broken out between the United States and Mexico. With the hoisting of the Stars and Stripes by Commodore Sloat at Monterey on July 7, 1846, the short-lived "California Republic" came to an end.

CHAPTER II

PROMISES AND DISAPPOINTMENTS

The period between 1846 and 1850 — from the hoisting of the flag of the United States by Sloat to the admission of California to statehood — may be characterized as a struggle for civil government. Technically, California did not become a part of the United States until her formal cession by the Mexican government in 1848. Nevertheless, Americans in the country considered her to be American territory from the hoisting of the flag on July 7, 1846,¹ and proceeded to demand their "inalienable rights"² as American citizens.

Sloat and Civil Organization. In his proclamation of July 7, 1846, Commodore Sloat announced that

... henceforward California will be a portion of the United States,³ and its peaceable inhabitants will enjoy the same rights and privileges as the citizens of any other portion of that nation, with all rights and privileges they now enjoy, together with

⁴³ The letter is published in Frémont, *Memoirs*, I, 522-24, and in this *Quarterly*, I, 82-83.

⁴⁴ Montgomery to Ide, June 16, 1846. Frémont, *Memoirs*, I, 524-25, and this *Quarterly*, I, 84-85.

¹ In *Merryman v. Bourne*, 9 Wallace, 601, the United States Supreme Court said: "The conquest of California by the arms of the United States is regarded as having become complete on the 7th of July, 1846. On that day the Government of the United States succeeded to the rights and authority of the government of Mexico."

² An expression frequently used by the Americans in California.

³ In some quarters in the East Sloat's declaration of annexation of the territory was criticized severely. It was claimed that such a declaration was against international law. New York *Evening Mirror*, quoted in the *California Star*, June 26, 1847. The *Star* was established January 9, 1847, in Yerba Buena. See Wagner, Henry R., *California Imprints*, Berkeley, California, 1922.

the privilege of choosing their own magistrates and other officers for the administration of justice among themselves, and the same protection will be extended to them as to any other State in the Union. They will also enjoy a permanent government, under which life, property, and the constitutional right and lawful security to worship the Creator in the way most congenial to each one's sense of duty will be secured. . . . All persons holding title to real estate, or in quiet possession of lands under a color of right, shall have those titles and rights guaranteed to them.⁴

He invited the judges, alcaldes and other civil incumbents to retain their offices and execute their functions as heretofore, at least until the government of the territory could be more definitely arranged.⁵

The people of California generally believed that Commodore Sloat was carrying out official instructions when he made his proclamation, and its liberal provisions were considered to embody the policy of the United States government. Hence, when the military governors later failed to organize a civil government, the disillusioned, disappointed settlers argued that the will of the government in Washington was not being carried out.⁶ Nor were they entirely wrong in this respect. Sloat's proclamation, excepting a few provisions, was fully in accord with the views held at that time by the administration at Washington. The order on which Sloat acted⁷ contained, indeed, no instructions pertaining to civil government, aside from the frequent enjoinder to preserve the most friendly relations with the inhabitants.⁸ Yet, in later orders, the administration emphasized the necessity of establishing a temporary civil government in harmony with the spirit and laws of the United States. In his letter dated June 8, 1846, Secretary of the Navy Bancroft reminded Commodore Sloat that the United States "desires to find in California a friend" and to hold possession with the "consent of the inhabitants." Owing to the great distance from Washington, however, much was of necessity left to the discretion of those in command on the spot.⁹

This recognition of the need for civil administration that would assure Californians of the protection of the United States and the desire to establish it in friendly coöperation with those already in authority, was reiterated in a letter dated July 12, 1846,¹⁰ and several times later, in instructions to military

⁴ It is also questionable whether Sloat was warranted in making such a promise.

⁵ H. Ex. Doc. 19, 29 Cong., 2 Sess., 102-103 (499); H. Ex. Doc. 4, 29 Cong., 2 Sess., 644-45 (497); *California Star*, Feb. 13, 1847; and this *Quarterly*, II, 352-54.

⁶ See *California Star*, Feb. 20, 1847; Royce, *California*, 201.

⁷ The consensus of opinion of historians is that Sloat acted only on the orders of June 24, 1845. See Thomas, *A History of Military Government in Newly Acquired Territory of the United States*, 160; Sherman, *Life of Sloat*, 8, 14.

But in Frémont's *Memoirs*, I, 537, is cited a letter from Bancroft to Sloat of August 3, 1846, in which the Secretary writes that in Sloat's letter of January 28, and March 17, 1846, the commodore acknowledged the receipt of Bancroft's letters of August 5, 1845, and October 17, 1845. It is, however, strange that in his letter of July 31, 1846, Sloat acknowledges only the receipt of the letter of June 24, 1845. Bancroft's letters of June 24, August 5, and October 17, 1845, were printed in this *Quarterly*, II, 164-67.

⁸ See letter of Bancroft to Sloat of June 24, 1845. H. Ex. Doc. 19, 29 Cong., 2 Sess., 75 (499). Also printed in this *Quarterly*, II, 164.

⁹ H. Ex. Doc. 19, 29 Cong., 2 Sess., 81; and this *Quarterly*, II, 251.

¹⁰ Bancroft to Sloat, July 12, 1846. H. Ex. Doc. 19, 29 Cong., 2 Sess., 81-82; and this *Quarterly* II, 350.

officers.¹¹ In a confidential letter to Colonel Kearny, Secretary of War Marcy wrote on June 3, 1846:

Should you conquer and take possession of New Mexico and Upper California . . . establish temporary civil government therein. . . . The duties at the custom-houses ought, at once, to be reduced to such a rate as may be barely sufficient to maintain the necessary officers, without yielding any revenue to the government. You may assure the people of those provinces that it is the wish and design of the United States to provide for them a free government, with the least possible delay, similar to that which exists in our Territories. They will then be called on to exercise the rights of freemen in electing their own representatives to the territorial legislature. It is foreseen that what relates to the civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your own discretion.¹²

It is evident that the administration in Washington considered California practically as a part of the United States.¹³ Sloat may or may not have been familiar with the policy of the administration. He acted as he did, because he lived at a time when the spirit of "manifest destiny" and "Jacksonian democracy" prevailed throughout the United States. But excepting the appointment of a few justices of the peace,¹⁴ Sloat did nothing toward the organization of a civil government. Deeming his health too poor for such "laborious duties," he surrendered the command to Commodore Stockton¹⁵ and on July 29, 1846, he sailed for home.¹⁶

Stockton's Attempts to Organize a Government. On taking over the military command, Stockton also assumed the title of "Governor of the Territory of California," and proceeded to organize a civil government, although his orders, dated October 7, 1845, contained no authorization for such action.¹⁷ Stockton, however, considered his right to establish a civil government as "coincident with the conquest," and according to the laws of nations.¹⁸ In his letter of September 19, 1846, to the Secretary of the Navy, he said that the great object which he had in view was to "satisfy the minds of the timid that we have not only conquered the territory, but that we have such entire control and complete possession of it, that there is no need to stop, for a single day, the machinery of the civil government."¹⁹ Similar reasons were given in his letter to Secretary Mason, dated February 18, 1848. "Indeed, the law military," he wrote, "appeared to me wholly inadequate to the emergency. . . . It appeared to me

¹¹ Bancroft to Commodores Biddle and Stockton, August 13, 1846. H. Ex. Doc. 19, 29 Cong., 2 Sess., 82-84.

¹² H. Ex. Doc. 19, 29 Cong., 2 Sess., 87 (499).

¹³ Polk made no comment when Buchanan read to him Sloat's proclamation. Polk, *Diary*, II, 108.

¹⁴ Sloat to Bancroft, July 31, 1846. H. Ex. Doc. 19, 29 Cong., 2 Sess., 100 (499).

¹⁵ Stockton arrived on July 15, 1846.

¹⁶ H. Ex. Doc. 19, 29 Cong., 2 Sess., 100 (499).

¹⁷ Bancroft, *California*, V, 252. See also Kearny, Thomas, "The Mexican War and the Conquest of California," this *Quarterly*, VIII, 251-61.

¹⁸ At Frémont's courtmartial Stockton was asked by the judge advocate what instructions from the President of the United States and the Secretary of the Navy he had in California on Jan. 16, 1847, in regard to the establishment of a civil government. His answer was that he had none. But he thought that under the laws of nations he was authorized to establish such a government. Sen. Ex. Doc. 33, 30 Cong., 1 Sess., 197-98 (507).

¹⁹ Stockton to Bancroft, Sept. 19, 1846. H. Ex. Doc. 70, 30 Cong., 1 Sess., 45-46 (521).

desirable that the actual possession and exercise of power should be transferred, with the least possible delay, from the military to civil functionaries."²⁰

Accordingly on August 17,²¹ Stockton issued a proclamation to the people of California in which he announced that the

Territory of California now belongs to the United States, and will be governed, as soon as circumstances may permit, by officers and laws similar to those by which the other Territories of the United States are regulated and protected. But, until the governor, the secretary, and council are appointed, and the various civil departments of the government are arranged, military law will prevail, and the commander-in-chief will be the governor and protector of the Territory.

In the meantime, the people were invited to elect civil officers to take the places of those who had declined to continue in office, and to "administer the laws according to the former usages of the Territory."²²

At the same time Stockton drew up a plan of government for the "Territory of California." This plan provided for a governor, a secretary, and a legislative council. The governor, in whom was vested the executive power, and who was to hold office for four years, unless sooner removed by the President, was to be also commander-in-chief of the army. He was to grant reprieves for offenses against the laws of the United States; approve all laws passed by the legislative council; and take care that the laws be faithfully executed. The secretary was to report annually the proceedings of the executive and legislature to the President and Congress. The legislative council was to be composed of seven members, to be appointed by the governor for two years; thereafter they were to be elected annually by the people. The legislative power vested in the governor and council was to extend to all "rightful subjects of legislation." But no law could be passed interfering with the primary disposal of the soil, and no tax could be levied on United States property. The municipal officers were to continue to regulate their proceedings by the Mexican laws until a different system should be provided by the governor and the council.²³ On August 22, Stockton ordered an election to be held on September 15, in the several municipalities, to elect for one year alcaides and other municipal officers.²⁴

To obtain revenue for the support of the government, a circular was issued on August 15, ordering a tonnage duty of fifty cents on all foreign vessels, and an *ad valorem* duty of fifteen cents on all goods imported from foreign ports.²⁵ The territory was then divided into three departments with a military com-

²⁰ *A Sketch of the Life of Com. Robert F. Stockton, with an Appendix, Comprising His Correspondence with the Navy Department Respecting his Conquest of California; and Extracts from the Defence of Col. J. C. Fremont.* . . . New York, 1856. App. A, 22. This work will be referred to in future as the *Life of Stockton*.

²¹ His first proclamation, issued on July 29, had no reference to civil government. It was of a bellicose character, and has been severely criticized by the historians of California. See Bancroft, *California*, V, 257.

²² H. Ex. Doc. 4, 29 Cong., 2 Sess., 669-70 (497); H. Ex. Doc. 19, 29 Cong., 2 Sess., 107-8 (499); *California Star*, Jan. 9, 1847.

²³ H. Ex. Doc. 4, 29 Cong., 2 Sess., 671-72 (497); H. Ex. Doc. 19, 29 Cong., 2 Sess., 109-10 (499).

²⁴ H. Ex. Doc. 4, 29 Cong., 2 Sess., 671 (497); H. Ex. Doc. 19, 29 Cong., 2 Sess., 108 (499).

²⁵ *Ibid.*, 673 (497).

mandant in each, subject to the orders of the military commandant of the territory.²⁶ But the military officers were not to interfere with the proceedings of the civil incumbents, except in case of emergency.²⁷

The government, as thus organized by Stockton, rested on two kinds of law — civil and military. In their private relations, the inhabitants were to be governed by civil laws only, the "former laws and usages." But soon conditions arose which interfered with Stockton's plans. Uprisings of the native Californians culminated in a revolt which was not suppressed until the middle of January, 1847, and ere he had a chance to turn again to plans for civil government there had sprung up the controversy with General Kearny.

Briefly, the nature of the controversy was this. Upon the outbreak of hostilities between Mexico and the United States, the administration in Washington decided to send by land a military force to coöperate with the naval force in the conquest and occupation of California and New Mexico. General Kearny was intrusted with the command of the "Army of the West." His instructions (dated June 3, 1846) were to accomplish the conquest of New Mexico, then to proceed to California and organize a government there.²⁸

Stockton, however, refused to recognize Kearny's instructions²⁹ of June 3, 8, and 18, on the ground that a successful civil government had already been put in operation.³⁰ On January 16, he tendered to Frémont a commission as governor and commander-in-chief of the territory of California.³¹ He also appointed a legislative council of seven members and summoned them to hold their first meeting on March 1, 1847.³²

Stockton undoubtedly made a greater effort in this direction of civil organization than his predecessors or successors. Elections had been held on the day assigned and several alcaldes had been elected.³³ The Commodore's announcements³⁴ that a "civil government is in operation" were not, however, true to the facts. At least the people of California did not think so. In order to discover the sentiment of the people of California with respect to this matter of civil government, let us examine the local newspapers.

Popular Demand for a Civil Government. Though but a small minority, the American population of California in 1846 exerted a far greater political in-

²⁶ The Report of the Secretary of the Navy, communicated on Feb. 14, 1849, contained Commodore Stockton's dispatches relating to military and naval affairs in California. *Life of Stockton*, App. A, 3.

²⁷ *Ibid.*, 2-3; H. Ex. Doc. 70, 30 Cong., 1 Sess., 43-44 (521).

²⁸ H. Ex. Doc. 17, 31 Cong., 1 Sess., 236-39, 240 (573).

²⁹ Kearny to Stockton, Jan. 16, 1847. *Life of Stockton*, 151.

³⁰ Stockton to Kearny, Jan. 16, 1847. *Ibid.*, 151-52; Stockton to Bancroft, Feb. 4, 1847. *Ibid.*, App. A, 10-12.

³¹ Sen. Ex. Doc. 33, 30 Cong., 1 Sess., 258, 410 (507).

³² *California Star*, March 6, 1847.

³³ *Monterey Californian*, Sept. 5, 1846. At Monterey Colton was elected alcalde. At Yerba Buena Bartlett was chosen alcalde. *Ibid.*, Sept. 15, 19, 1846.

³⁴ Stockton to Bancroft, August 28. H. Ex. Doc. 19, 29 Cong., 2 Sess., 106 (499); Stockton to Bancroft, January 15, 1847; Cutts, *Conquest of California and New Mexico*, 133-34.

fluence than its mere numbers warranted.³⁵ As early as August 15, 1846, the Americans in California could boast of a weekly paper, and a second one was added a few months later.

The *Californian*³⁶ in its prospectus announced that the policy of the paper would be to "urge the immediate establishment of a well organized government." The matter was discussed at greater length in the first issue editorial entitled "Civil Government," in which the holding of a constitutional convention was suggested:

No impediment [it said], now exists to the establishment of a colonial government in California. All patriotic citizens should unite at once for this purpose, a Constitution should be drawn up, wisely adapted to the conditions of the country, and this should be adopted at a general convention of the citizens. A Legislature should be chosen under its provisions, competent to elect a delegate, who should proceed at once to the capitol of the United States, present his credentials to Congress at the next session, claim a formal recognition of the territory of California and a seat in that honorable body.³⁷

This editorial undoubtedly reflected the opinions of most of the Americans in California. But for some reason or other, the *Californian* soon softened its tone; and in spite of its claim that the editor of a newspaper should consider himself a "Sentinel on the watchtower of liberty," it was frequently accused of subserviency to the "administration."³⁸

Complaints by Americans against the "arbitrary law and oppressive acts of petty despotism" on the part of the officials were voiced quite frequently. A writer in the *Californian* asserted that the rights and privileges of the people of California were the same as in any other portion of the Union.³⁹ To serve as a medium of protest, the *California Star*⁴⁰ was begun at Yerba Buena.⁴¹ The *Star* protested against existing conditions from first to last, and advocated the establishment of a civil government.

³⁵ The white population of California in the later part of 1846 was probably less than ten thousand, and fewer than two thousand were foreigners. According to the estimates of Parrot, American consul at Mazatlan, the population of California in 1845 was about as follows: 15,000 whites, 4000 domesticated Indians, and 20,000 others. Thomas Larkin, United States consul at Monterey, agreed with this number. Colonel Frémont estimated the population in California at the close of 1847 at about 50,000. Of Americans, English, and other foreigners there were about 4000 souls. H. Ex. Doc. 70, 30 Cong., 1 Sess., 8 (521).

³⁶ The *Californian*, the first newspaper published in California, was started on Aug. 15, 1846, in Monterey by Reverend Walter Colton, who had been chaplain of Stockton's flagship, and Dr. Robert Semple, a typical Westerner, who had been a participant in the Bear Flag Revolt. In 1847 the paper removed to San Francisco. See Wagner, Henry R., *California Imprints*.

³⁷ *Californian*, Aug. 15, 1846.

³⁸ Speaking of the *Californian* in his "History of California Newspapers" printed in the *Sacramento Union* of December 25, 1858, Kemble says as follows "From first to last it was a timid, obsequious flatterer of the naval authorities in this country, never once raising its voice in disapprobation of their acts." But this severe criticism is only partly justifiable, for during its later period the *Californian* changed its policy of acquiescence. See also Kuykendall, "History of Early California Journalism," 16-17, MS Thesis (M.A.) University of California Library.

³⁹ *Californian*, Sept. 26, 1847.

⁴⁰ The *Star* was published by Samuel Brannan, the well-known Mormon leader. Kemble was editor. See Kemble, *op. cit.*, 7, and Wagner, *California Imprints*, 507.

⁴¹ Later named San Francisco.

Dissatisfaction with the Existing Legal Procedure. The topic of greatest interest was the question of "wholesome laws." We have already seen that Commodore Stockton announced in his proclamation of August 17 that the officers would administer the laws according to the former usages of the territory. Now the Mexican plan of civil government for the Department of California, as outlined in the decrees of 1836 and 1837, provided for a complex system. It provided for a governor, a departmental assembly, prefects, sub-prefects, ayuntamientos, and alcaldes. Each department was to be provided with a superior tribunal composed of four judges. The senior alcalde was to preside over the town council.⁴² This was the system as outlined in the statutes. In practice, however, it was a much simpler affair. The political disturbances in Mexico and California prevented putting this system into effect. The town councils, or ayuntamientos, never met, hence the entire control of municipal affairs fell into the hands of the alcaldes, who became practically the sole officers of the communities,⁴³ and conducted trials in a summary fashion.

Such an effete system of government, perhaps, suited the needs of a sparsely settled pastoral country, but it was unintelligible to the Americans, and repugnant to their ideas of justice. Hence the laws of California became a vital subject for discussion during the period of military rule.

The *California Star*, in its very first issue, had a long editorial on the "Laws of California." "We hear the enquiry almost every hour of the day, 'What laws are we to be governed by?' We have invariably told those who put the question to us, 'If anybody asks you tell them you don't know.'" The editorial complains of the unsatisfactory state of legal procedure, when suits are decided according to the alcaldes' notions of justice, although "It is well known to every American citizen in this country who has paid any attention to the Constitution of his country, that the law-making power is vested in the two houses of Congress alone, two-thirds concurring, and every attempt to palm anything else off for law is an imposition upon the people."⁴⁴

The announcement of the *Star* in its prospectus that it would not be "influenced by those in power, or the fear of the abuse of power, or of patronage or of favor," and its attack on the existing system of legal procedure, evidently led Captain Hull, governor of the northern district, to warn the paper against any attacks upon the administration. For in the next issue we find an article on the "Freedom of the Press," wherein it is asserted that by the "great charter of our Liberties" the press is "placed above all law, and beyond the reach of those 'clothed with a little brief authority.'" It asserted that military laws cannot affect the press. Even Congress, that makes all military laws, is prohibited

⁴² Shinn, *Mining Camps*, 90; Hall, *History of San José*, 167-75.

⁴³ Shinn, *Mining Camps*, 99 ff. For details of the system of government in Alta California during the Mexican régime, differing somewhat from the above, see Williams, Mary Floyd, "Mission, Presidio and Pueblo," in this *Quarterly*, I, 30, *et seq.*

⁴⁴ *California Star*, Jan. 9, 23, 1847. The same argument we find in the *Californian*, July 17, 1847. "Alcaldes here seem to be *the law*, the whole law, and nothing but the Law," complained "Lex."

by the Constitution of the United States from making any law abridging the freedom of the press.⁴⁵

Frémont's accession to the governorship held out many hopes. His proclamation of January 22, 1847,⁴⁶ ordering the return of all civil officers to their appropriate duties, and a strict obedience of the military to the civil authorities, was hailed with great joy by the Americans. They saw in it an honest attempt to establish a civil government. "It is short, sweet, plain and to the point," said the *Star*.⁴⁷

The *Star* also applauded Frémont's proclamation calling the legislative council to meet on March 1, 1847. In a long editorial it outlined the policy which the council should adopt. In the first place, the council should "enact such laws as are best calculated to develop the resources of the territory and ameliorate the condition of the people." The *Star* advocated granting public land, free of charge, to the newly arrived immigrants, and the establishment of an honest and independent judiciary. "The present system," it complained, "is worse than none — it is worse than anarchy. We have Alcaldes all over the country, assuming the power of legislatures, issuing and promulgating their Bandos, laws and orders, and oppressing the people." The council was also urged to call a convention for May 1, to frame a constitution for the territory of California.⁴⁸

Although Frémont's governorship nominally lasted about seven weeks, it was too impotent to accomplish anything of importance. He had no money to carry on the government, and Kearny's challenge weakened his power. New complaints were therefore voiced in the *Star*. California, it said, has for some time felt the baneful effects of this ruling passion — the love of power. It complained that Stockton's assumption of power to organize a government merely led others into error and caused considerable confusion in the territory. Much hope was placed on General Kearny and Commodore Shubrick. It was believed that General Kearny had full power to organize a civil government. The *Star* also commended Commodore Shubrick for his order requiring all the naval officers holding civil offices in California to betake themselves to their vessels. It said:

This will be a great relief to the citizens, for nothing but oppression and a total disregard of the rights of the people have marked the course of most of these persons since their induction into office. . . . It is contrary to the constitution and laws of our country, for military officers to be placed in judicial offices. . . . Any attempt by the present military incumbents to hold on to the judicial offices of the country, will be attended with the most serious consequences. The people will not suffer it.⁴⁹

Kearny's Policy. Meanwhile new instructions arrived in California from Washington. These were in form of a confidential letter to Commodore Stockton

⁴⁵ *California Star*, Jan. 16, 1847. It seems that this was not the only time that the *Star* was warned to be more moderate in its expression. A similar article on the freedom of the press we find in its issue of August 28, 1847.

⁴⁶ Frémont's circular was printed in the *California Star*, Feb. 6, 1847.

⁴⁷ *Ibid.*

⁴⁸ *California Star*, Feb. 13, 1847.

⁴⁹ *California Star*, Feb. 20, 1847.

from the Secretary of the Navy, Mason, who had succeeded George Bancroft. In this letter the Commodore was told that the Department had been gratified to hear that much had been already accomplished in California in anticipation of the orders transmitted later. However, the "President has deemed it best for the public interests" to place the command of the military forces and the administration of the government upon the senior military officer.⁵⁰

A formal announcement of the new instructions from Washington was made in a circular issued jointly by Kearny and Shubrick on March 1, and in a proclamation issued on the same day by Kearny alone. The people were told that

It is the wish and design of the United States to provide for California, with the least possible delay, a free government similar to those in her other Territories; and the people will soon be called upon to exercise their rights as freemen, in electing their own representatives to make such laws as may be deemed best for their interests and welfare. But until this can be done, the laws now in existence, and not in conflict with the constitution of the United States, will be continued until changed by competent authority. . . .

The undersigned hereby absolves all the inhabitants of California from any further allegiance to the republic of Mexico, and will consider them as citizens of the United States.⁵¹

Here again the people of California were made to believe that their country was already a part of the United States, and that at last their dream of the organization of a civil government was to be realized.⁵² Meetings were held at several places to discuss the question of representation in the legislative council. At a public meeting at Yerba Buena resolutions were passed recommending the division of the population of California into three classes: (1) the Californians; (2) "foreigners" including French, English, and Americans who had resided in the country for many years; and (3) the Americans who had arrived recently. Each of these three classes, it was claimed, had distinct interests, hence each class should be equally represented.⁵³ Furthermore, General Kearny was urged to grant public lands to the new immigrants.⁵⁴

When Kearny was informed of these proceedings, he announced that he had not called for any council, and had no intention of calling one very soon.⁵⁵ He decided to move cautiously in matters of civil government. He neither ignored entirely the work of his predecessors, nor did he fully acquiesce in it. His activity in civil affairs was confined to the appointment of several alcaldes and a few other officers.⁵⁶

Probably the most important acts of the Kearny-Shubrick administration were the granting of the beach and water lots to San Francisco,⁵⁷ and the order

⁵⁰ Mason to Stockton, November 5, 1846. H. Ex. Doc. 19, 29 Cong., 2 Sess., 89-91 (499).

⁵¹ H. Ex. Doc. 17, 31 Cong., 1 Sess., 288-89 (573); *California Star*, March 20, 1847.

⁵² *California Star*, Feb. 27, 1847; *Monterey Californian*, Feb. 20, 1847.

⁵³ *California Star*, March 6, 1847.

⁵⁴ *Ibid.*

⁵⁵ Kearny to Alcalde Bryant, March 4, 1847. H. Ex. Doc. 17, 31 Cong., 1 Sess., 290 (573).

⁵⁶ *Ibid.*, 291, 295, 306.

⁵⁷ *Ibid.*, March 20, 1847. Of course Kearny had no authority to make such a grant.

of Shubrick permitting free import, for six months, of certain articles of food which were greatly in demand.⁵⁸

This cautious progress of course did not satisfy people who had expected the organization of a complete civil government. They therefore concluded that the commanders were not carrying out the instructions from Washington and that they were indifferent to the needs of the people. Kearny admitted that conditions were not satisfactory, but maintained that, during a state of war there must of necessity arise many hardships for which no remedy could be provided.⁵⁹

California and New Mexico Civil Government in Congress. The question of civil government for California came up in Congress as early as 1846. Kearny's dispatches and plan of government for New Mexico reached President Polk while he was preparing his second annual message to Congress. The President proposed to recommend in his message that Congress should provide "a more permanent government" for California and New Mexico, than the "temporary Governments which had been established by our Military and Naval commanders, according to the laws of war."⁶⁰ But, on the advice of Colonel Benton, the President decided to omit this recommendation,⁶¹ and accordingly he merely informed Congress that the military and naval commanders had established temporary governments in California and New Mexico. This step, he claimed, was in accordance with the laws of nations which give to a conqueror the right to establish a temporary government over a territory during its military occupation.⁶² Immediately after the reading of the message there arose an animated discussion in the House between the friends and opponents of the administration. A resolution was adopted requiring the President to furnish to the House copies of all the instructions of the executive to the military and naval commanders relative to the establishment of civil governments in the occupied Mexican territories; what forms of government such officers had established, and whether the President had approved and recognized these governments.⁶³ In his speech accompanying the resolution, Davis, a Kentucky Whig, questioned the authority of the President to sanction the establishment of the whole machine of a civil government.

What! [he exclaimed] was our American President an emperor, sending forth his Agrippa and his Marcellus and his pro-consuls, to establish and to govern the provinces they might conquer by force of arms? Was the President of the United States, an officer deriving his breath and being from the Constitution of the United States, to authorize his satraps and his tetrarchs to set up governments at their pleasure, and prescribe to them laws and regulations at their discretion?

⁵⁸ Such as sugar, bread and butter, cheese, beef, pork. *Ibid.*, Feb. 11, 1847; Monterey *Californian*, Feb. 13, 1847.

⁵⁹ Kearny to Bellamy, April 24, 1847. H. Ex. Doc. 17, 31 Cong., 1 Sess., 299 (573).

⁶⁰ Polk, *Diary*, II, 259.

⁶¹ The question was considered at a cabinet meeting on the following day. Mason concurred in the opinion of Colonel Benton. But Buchanan and Walker were in favor of retaining the recommendation. It was, however, decided to omit it for the reason that if the proposition was opposed by Benton there would be little chance for its passage in Congress. *Ibid.*, 260; Benton, *Thirty Years' View*, II, 678.

⁶² Richardson, *Messages*, IV, 494.

⁶³ *Cong. Globe*, 29 Cong., 2 Sess., 12.

He wanted to know whether the President sanctioned the course of action taken by the military officers. If he had, then he had usurped powers not granted by the Constitution, and he, Mr. Davis, was prepared to take "ulterior measures."⁶⁴

Douglas, of Illinois, defended the course taken by the administration and the military officers. He declared that it was not only the right but the "imperative duty" of those who commanded the conquering forces in the occupied territory to establish there "some form of government in place of that which had been overturned by the invasion, to continue until another should be established by the act of the home Government." There would have been much more propriety in threatening "ulterior measures" had the commanders not taken the proper course to protect the rights of the conquered people. "Were we to leave the people without any government whatever? without restraint, without law, in a state of open anarchy? . . . If not, what were our commanders to do?" he asked. To him the only real question was whether the commanders had acted wisely, and inquiry into the matter had convinced him that they had.⁶⁵

Horlson, of Georgia, and Rhett, of South Carolina, maintained that California and New Mexico were not United States territory; they were simply held by the military forces of the United States, and under the laws of nations the conqueror has a right to provide some form of government for the occupied territory.⁶⁶

The most logical and reasonable point of view was taken by Seddon, of Virginia. He differed from the opinion of Douglas that territory occupied by military force was to be regarded as a part of the Union. If so, the power of the military commanders must cease at once, the territory be subject to all United States laws, and the people there be entitled to all the privileges under the Constitution. Nor could he agree with Rhett that conquered territory was to be held by the "power of the sword." His own opinion was that

. . . so soon as the inhabitants of a conquered province submitted . . . they became bound to obedience to the existing authority which had superseded and overthrown the sovereignty previously governing them . . . and the conqueror, by corresponding obligation, became bound to secure them, so far as compatible with the safety of his conquest and army, in all their rights and property, and in the enjoyment of civil institutions and the regular administration of justice.⁶⁷

Shortly after Davis' resolution had been adopted in the House,⁶⁸ Westcott, of Florida, made a motion to send so much of the President's message as related to the question of civil government in the conquered territories to the Committee on the Territories. He declared that he approved of the course of the President in relation to the establishment of a temporary civil government in California and New Mexico, but he would not allow the "law of the sword to be in force any longer than was imperiously necessary." He therefore favored congressional action in this direction.⁶⁹ But Benton and others maintained that

⁶⁴ *Ibid.*, 12.

⁶⁵ *Cong. Globe*, 29 Cong., 2 Sess., 13-14.

⁶⁶ *Ibid.*, 15.

⁶⁷ *Cong. Globe*, 29 Cong., 2 Sess., 23-26.

⁶⁸ *Ibid.*, 33.

⁶⁹ *Ibid.*, 42-43.

the President's message did not contain any recommendation for the establishment of a civil government. Furthermore, it would not be proper for the United States to extend the federal laws over a territory not yet incorporated.⁷⁰ The resolution was finally tabled by a close vote of twenty-three to twenty-two.⁷¹

Instructions from Washington. In his message accompanying the transmission of the documents requested, the President stated that the governments which had been organized in New Mexico and California were only temporary, that their establishment was justified under the law of nations, and was clearly a benefit to both conqueror and conquered.⁷²

On January 11, 1847, the Secretary of War and the Secretary of the Navy dispatched orders to General Kearny and Commodore Stockton pertaining to matters of civil government in the conquered territories. The officers were told that the possession of enemy's territory gives to the conqueror the right to establish a government during the occupation of the territory. Indeed it was the duty which the conqueror owed to the inhabitants. But until the treaty of peace was made, and the territory definitely ceded to the United States,

Our possession gives us only such rights as the laws of nations recognize; and the government is military, performing such civil duties as are necessary to the full enjoyment of the advantages resulting from the conquest, and to the due protection of the rights of persons and of property of the inhabitants.

No political right can be conferred on the inhabitants thus situated emanating from the constitution of the United States. That instrument established a form of government for those who are within our limits.

They were told, however, that they could exercise full authority in establishing a temporary civil government as a means of protecting life and property. Indeed, they were instructed to exercise that authority "in such a manner as to inspire confidence in the people." They were advised to permit the inhabitants "to participate in the selection of agents, to make or execute the laws to be enforced."⁷³

It is thus seen that the policy of the administration in Washington was quite favorable to the people of California, though it did not give them a full territorial government which they demanded. But while the military officers in California were advised to organize temporary civil governments, giving them full authority in their direction, the instructions did not contain explicit directions as to how to proceed. Kearny therefore was inclined to act cautiously, particularly since the government which he had set up in New Mexico had not been approved in Washington.

Mason's Policy. Kearny's successor, Colonel Mason, adopted a similar policy. In his proclamation of May 31⁷⁴ he made no reference to the question of civil government. On the following day he declared that pending the war the

⁷⁰ *Ibid.*, 43-44

⁷¹ *Ibid.*, 44.

⁷² Richardson, *Messages*, IV, 506-7.

⁷³ H. Ex. Doc. 70, 30 Cong., 1 Sess., 13-16 (521); H. Ex. Doc. 17, 31 Cong., 1 Sess., 244-47 (573); Marcy to Kearny, June 11, 1847. H. Ex. Doc. 17, 31 Cong., 1 Sess., 249-51 (573.)

⁷⁴ H. Ex. Doc. 17, 31 Cong., 1 Sess., 332 (573); *California Star*, June 19, 1847.

government must be military, performing only such civil rights as were necessary to protect life and property. The supreme power was to be vested in the senior military officer. On another occasion he pointed out that many Americans in California "labor under a mistake in believing that, because we are in possession of the country, we are under the constitution and laws of the United States."⁷⁵ Mason even denied to the people privileges which had been promised to them by Stockton. He held that it was the governor's prerogative to appoint and remove alcaldes, or at least he must issue permits before an election could be held; and any election held without the authority of the governor would be void.⁷⁶ He frequently attempted to limit the power of the alcaldes, insisted upon the right of reviewing their decisions,⁷⁷ and in several cases overruled them. Only in minor causes was he ready to yield jurisdiction to the alcaldes. The first test case on the power of removal was that of Alcalde Nash, of Sonoma. Kearny had appointed L. W. Boggs in place of Alcalde Nash at Sonoma.⁷⁸ Nash claimed that he had been elected by the people under the proclamation of the former governor, therefore no military officer had a right to remove him.⁷⁹ Nash was supported by the Missouri settlers in Sonoma. The order of removal caused such a commotion among the western settlers that Captain Brackett, who was stationed at Sonoma, asked to be excused from the unpleasant duty of carrying out the order,⁸⁰ and the task was performed by Lieutenant W. T. Sherman.

Complaints of the Settlers. The Americans complained bitterly against the existing arbitrary system. "We yet have a Military Government, and little else," said the *Star*.

... We would not complain of the mere fact of the *Bayonet's* control over the ermine, if our rulers would enable us to protect life and property, and to pursue the peaceful paths of our own happiness in the manner guaranteed by the Constitution of the Union. . . .

... Why are the rights of men trifled with in this manner? Who has the right, military or civil, to trample on justice so wantonly? We are not in a mood to *petition* for anything just now — we may do so hereafter. But we will write for the reading of mankind, that never a government, under the forms of freedom, which so far departed from wisdom and justice, as the government of the United States in Upper California.⁸¹

The Americans in California constantly maintained that their personal rights and privileges were the same as those of American citizens in any other portion of the Union.⁸² The *Californian* said:

⁷⁵ H. Ex. Doc. 17, 31 Cong., 1 Sess., 317-18 (573).

⁷⁶ H. Ex. Doc. 17, 31 Cong., 1 Sess., 316, 321, 327, 378, 413, 432, 433, 440, 443, 452, 457, 473, 475, 477, 661 (573). In a military government he said, the alcaldes are subject to the military authorities. *Ibid.*, 321-22.

⁷⁷ *Ibid.*, 391, 392-93, 402, 487, 488 (573). Cases in which the amount involved was above a sum of \$100 were to be decided by a jury of six. *Ibid.*, 452, 384, 414, 505, 539.

⁷⁸ *Ibid.*, 295.

⁷⁹ Mason held that alcaldes were not authorities of the United States, but merely authorities of the military government, therefore subject to the removal by the military governor.

⁸⁰ Sherman, *Memoirs*, I, 29, 31.

⁸¹ *California Star*, June 19, 1847.

⁸² *Ibid.*, June 26, 1847.

Our citizens are everywhere, with the greatest imaginable solicitude and enthusiasm, inquiring why it is that some of the happy privileges of American citizens are not also extended to them, notwithstanding their remoteness from the great centre of republican liberty. They say they are American citizens, and they are. They say that they too are entitled to their sacred privileges and immunities guaranteed to us by irrevocable constitutional law, and they are. . . .⁸³

The question of civil government was the main topic of conversation. The *Californian* was willing to admit that during the war the people of California could not expect to enjoy the privileges of civil government; but, it argued that American settlers who had been raised under free institutions, and who had actually helped to conquer the territory, should not be expected to submit to a military despotism.⁸⁴ Our people everywhere, complained the *Californian*, are inquiring, "what have we acquired by our conquest in this country? And we not infrequently hear the natives of the country asking the same question."⁸⁵ The *Californian* advocated that the people should take the initiative and establish a provincial government. "Pacific" in the *Star* seconded this suggestion. He did not agree with those who held that during the existence of the war no civil government could be formed. "But suppose the war and preliminaries in settling peace should last five or ten years longer," he asked. Would the people in California have to continue to live in this lawless state? Some narrow-minded persons had opposed the establishment of a provisional government in Oregon, on constitutional grounds. Yet "what sort of condition would the Oregonians have been in now, but for their 'provisional government.'" "Pacific" was impatient with those who were stickling about points of form, constitutionality, and other "abstract questions" of law and right, when the conditions demanded immediate action.⁸⁶

The chief source of discontent was still the question of law and its administration. Mason undertook to formulate the principal features of the Mexican laws, and instructed the alcaldes to be governed by the laws and customs of the country, as far as they could be ascertained, and by their "own good sense and sound discretion."⁸⁷ The difficulty was that the American alcaldes knew nothing of the Mexican laws, nor of the customs of the country.⁸⁸ They had no definite system of procedure, no laws to be guided by in the execution of their functions. Each alcalde had his own mode of procedure, at times combining American with Mexican practice. The constitutions of Illinois, Iowa, and Michigan were much used. In general the alcaldes relied upon their own common sense, paying little attention to the technicalities of any law.⁸⁹

⁸³ *Californian*, Dec. 29, 1847. The *Californian* moved to San Francisco in May, 1847.

⁸⁴ *Californian*, June 5, 1847. See also *Californian*, Sept. 22, 29, 1847, Feb. 16, 23, 1848.

⁸⁵ *Ibid.*, Jan. 5, 1848.

⁸⁶ *Californian Star*, Jan. 29, 1848. See also "Sober Second Thought" in the *Californian*, Feb. 2, 1848. And "Pacific's" answer in *California Star*, April 8, 1848.

⁸⁷ Mason to Alcalde Boggs, June 2, 1847. H. Ex. Doc. 17, 31 Cong., 1 Sess., 317 (573).

⁸⁸ Field, *Personal Reminiscences of Early Days in California*, 29. He says: "I knew nothing of Mexican law; did not pretend to know it."

⁸⁹ *Californian*, March 3, 1847; Shinn, *Mining Camps*, 103. The power of the alcaldes, says Shinn, was especially extensive in places where there was no military stationed.

The Americans of course complained against the arbitrary authority of the *alcaldes*. The prevailing discontent was faithfully expressed in the press. In an article on the "Laws of Force," after noting the "variety of opinions among the people in California in regard to the laws in force in this territory," the *California Star* said: "Some contend that there are really no laws in force here, but the divine law, and the law of nature. . . . We have not been able to discover any traces of written law particularly applicable to this territory except the *Bandos of the Alcaldes*." The *Star* suggested that the authorities should call an election to form a legislature that should frame and adopt a code of law suitable to the conditions of the territory. It admitted that this was not strictly in accordance with the usual procedure followed by the general government in organizing territories, "but it must be recollected that no other territory of the United States has been similarly situated."⁹⁰

Another source of irritation was the military contributions. We have already seen that the early policy of the United States government in the conquered territory was to abolish all arbitrary restrictions in the customs law, and to reduce the duties to the lowest rate that would barely suffice to maintain the temporary government. But when the Mexican people still refused to make peace, President Polk decided to change his policy. He asked Secretary of the Treasury Walker to devise a system of port regulations, which, through the revenue thereby produced, would compel the enemy to bear all the expenses of the war.⁹¹ In compliance with these instructions, Secretary Walker drew up a schedule of duties which was a complete reversal of the former policy. The duties were high, and the regulations were strict. Americans goods were to pay the same rates as imports from other nations. The collection of the revenue was to be entrusted to military and naval officers.⁹²

Upon the receipt of the new regulations, Mason, after consultation with Commodore Shubrick, decided to put into effect in California not the new regulations, but instead regulations devised by Commodore Shubrick in September, 1847. Shubrick's regulations were much more favorable to the consumers and merchants of California.⁹³ From time to time other concessions were offered to the people: such as the licensing of several foreign-built vessels owned by California citizens for coastwise trade, and the exemption from payment of duty on California products shipped from one port to another in the same territory. Mason realized that he was not acting in accordance with his instructions, but believed that the circumstances justified his policy. In his communications to Washington he pointed out how the enforcement of the Walker regulations would work hardships upon the Americans in California, who were the chief consumers of imported goods.⁹⁴

⁹⁰ *California Star*, March 27, April 17, 1847.

⁹¹ Sen. Ex. Doc. 1, 30 Cong., 1 Sess., 552-53 (503).

⁹² *Ibid.*, 567-76 (503).

⁹³ Mason to Lanman, October 15, 1847. H. Ex. Doc. 17, 31 Cong., 1 Sess., 408-9 (573).

⁹⁴ Mason to Adjutant General Jones, November 11, 1847. *Ibid.*, 423-25.

Mason was undoubtedly influenced by the vigorous protests which the Americans voiced against the new tariff regulations. It was argued, with much truth, that these military contributions would be paid not by the enemy, but by American consumers. "We ask for a properly organized government," said the *Californian*, "but instead of it we receive tariff regulations which virtually amount to a blockade. San Francisco and Monterey are not enemy ports equal to Tampico and Vera Cruz, and that two-thirds of the consumers of goods are Americans, not enemy aliens. It is a defiance of every pledge and inducement to immigrate." The writer expressed his hope that Mason would not enforce the new regulations.⁹⁵

Mason's answer was that until a treaty of peace was concluded, the government in California must necessarily be military, and that the Americans in California could enjoy no other rights and privileges than those guaranteed to other people in a conquered territory.

[TO BE CONTINUED]

⁹⁵ *Californian*, Nov. 17, 24, 1847; *California Star*, Oct. 3, Nov. 13, 1847.



THE OLD SPANISH TRAIL

Scale 1:500,000

1930

MEXICAN TRADE BETWEEN SANTA FE AND LOS ANGELES 1830-1848

The New Mexican caravan trade over the Old Spanish Trail between Santa Fé and California was the outgrowth of a long period of exploration in the far Southwest. Spain, as ever, was first in the field. The first white man to traverse this vast wilderness was Fray Francisco Garcés who discovered a way from New Mexico to Yuma and a route across the Colorado and Mojave deserts. An effort to establish direct overland communication between New Mexico and California was the inevitable result. Escalante's circuitous explorations failed to reach the coast, but a portion of his route became the well-beaten path of the New Mexican traders to the Indians of the Utah Basin. From this time on traders in quest of slaves and furs were active among the northern Indians till well into the Nineteenth Century.¹

With Mexican independence and the subsequent withdrawal of Spanish restrictions, Santa Fé became the main point of distribution for the hundreds of beaver hunters who poured in from the United States to trap the tributaries of the Gila and Colorado rivers. It was not until this time that the interior was penetrated and explored to any great extent. Jedediah Smith removed the cloud of obscurity from the region southwest of Great Salt Lake, and it may be said that he completed the attempt made by Escalante to find a northern passage to California. The many trappers who came to California invariably procured fresh mules and horses to make the return journey. These fine animals created quite a sensation in Santa Fé and led to many expeditions to supply the needs of eastern commerce.

So far as is known, Governor José Antonio Chavez, of New Mexico, deserves the credit for initiating the regular commerce in mules and horses between Santa Fé and the coastal province. On May 14, 1830, he wrote to the Minister of the Interior of Mexico:

On the eighth of November of last year, a company of about sixty men left this territory for California with the purpose of trading for mules with the products of this country. They have been traveling through unknown deserts until now, and have succeeded in discovering a new way of communication which passes numerous savage tribes, who, from all appearances, fled in terror. The Indians proved no obstacle and this contributed not a little to the success of the expedition.

From the itinerary which I am sending Your Excellency it can be assumed that the distance which separates California from this territory is not great. It should be taken into account that the discoverers often had to retrace their steps and make detours. In short, they had neither map nor compass, and no other guides than the enterprising natives of this country.

I believe that it would be greatly to the advantage of both territories for the Supreme Government to promote the commerce of this region, for which I entreat Your Excellency.²

¹ Hill, Joseph J., "Spanish and Mexican Explorations and Trade Northwest from New Mexico into the Great Basin," in the *Utah Historical Quarterly*, III, No. 1, January, 1930.

² "Itineraire du Nord-Mexico a la Haute-Californie," in *Bulletin de la Société de Géographie*, Paris, 1835, Ser. 2, III, 316-23. This article was taken from the *Registro Oficial del Gobierno de Los Estados Unidos Mexicanos*, Mexico, 1830.

These sixty New Mexicans were the first to make the continuous journey from their province to California, and in their devious explorations had broken a trail. The expedition made clear the advantage of overland commerce between the two departments, both of which produced goods capable of stimulating trade.

From this time on it is apparent that expeditions to California were as much concerned with mule trading as with fur hunting. Several trappers, Ewing Young, William Wolfskill, and David Jackson, turned their attention to this new and profitable business. A significant development of these early trading ventures was the exchange of New Mexican woolen blankets for the California stock. Hitherto Wolfskill's party has been regarded as the originator of this particular commerce. The company arrived in California destitute and had to do something to get away. J. J. Warner says, "With Mr. Wolfskill's party there were a number of New Mexicans, some of whom had taken serapes and fresadas (woolen blankets) with them for the purpose of trading them with the Indians in exchange for beaver skins. On their arrival in California they disposed of their blankets to the rancheros in exchange for mules . . . out of which sprang a trade, carried on by means of caravans or pack animals, between the two sections of the same country which flourished for some ten or twelve years."³ Warner was unaware that two months after Wolfskill arrived in California, "30 men from New Mexico, *merchants in wool*, bringing passports," appeared at Los Angeles.⁴ The leader of the party was Antonio Santi-Esteban, who had been named "commander of the caravan" by Governor Chavez, the same who had taken such an interest in the Armijo expedition. Though American trappers were engaged in the horse business at this time, they should not be thought of as having begun the caravan trade over the Old Spanish Trail. Both trail and commerce were essentially New Mexican and continued to be such as long as the trail was used. The Mexican traders had long been engaged in fur and slave trading with the Indians of Utah and it was but another step to turn south to the settlements of Southern California to barter their blankets for herds of mules and horses.

We shall now turn our attention to these little known annual expeditions that made the caravan trade a matter of fact and importance in the economic penetration of the far Southwest. These traders were not fortunate in having a Josiah Gregg to transmit their names and exploits to posterity. The chief source of information regarding them is found in the provincial archives of California. The authorities of that province considered it necessary to keep a watchful eye on such large and periodic invasions. Officials were insistent that all should carry passports and specify their numbers and intentions. When the traders were unruly, as they often were, complaints and regulations followed, which found their way into the archive records and give some additional infor-

³ Warner, J. J., Hayes, Benjamin, and Widney, J. P., *An Historical Sketch of Los Angeles County*, 18.

⁴ Alvarado al Jefe Politico, April 23, 1831, *Departmental State Papers, Benicia Prefectura y Juzgada*, III, 52. MS in the Bancroft Library.

mation as to their activities. But on the whole the records are very brief, and what there are give mainly the governmental aspect of the business.

There is only a bare statement to the effect that New Mexicans were trading in California in 1832. Fray Cabot of Mission San Miguel found occasion to complain of their conduct, saying that:

Since the New Mexicans have come into this province with the commerce of wool and the purchase of horses, the mission has suffered a great loss of horses and 108 mules. He has reason to suspect that the animals have been taken to New Mexico. At the close of 1832 several of them passed by the Rancho of Asuncion and four colts and a mule were taken from a herd. After a few days others passed and took with them a mule with a forged brand.⁵

The friar's statement is typical of most of the information available about the traders. Their ordinary commercial dealings were given little attention, but on the other hand, all their petty misdeeds have been chronicled in detail.

From the very beginning the New Mexican traffic in mules and horses was accompanied by connivance with the Indians and wholesale robberies. The great outburst of lawlessness which followed in the wake of the expedition of Jesus Villapando in 1833, clearly shows what an unrestrained and adventurous lot of men the average traders were.⁶ Though this paper is intended solely to discuss the legitimate and respectable commerce, it is impossible to avoid mention of the thievish elements mixed up with the caravan proper. The robbers gave a disreputable cast to the whole business and gave the well-meaning traders a bad reputation to contend against.⁷

As a result of the disorderly conduct and robberies of 1833, the California authorities found it necessary to take matters in hand. Restrictions and regulations were put into effect to curtail the illegal traffic. An act was passed by the legislative assembly which provided that the New Mexicans should not buy mules, mares and horses at other than the price set by one of the Justices of the Peace; that if they went to ranchos that belonged to this province they must have permission of the Alcalde; and furthermore, that the individuals should present a document authorizing the legality of their purchases.⁸ Henceforth it became the practice of the Los Angeles officials to set a place for the assembling of the traders before they left for New Mexico. In this way they could inspect the herds and recover stolen animals. Stock which did not bear the brand that denoted sale was easily identified, and could be returned to the rightful owners, and the thieves punished.

If any misdemeanors had been committed the traders would be refused passports to return to their province, and they would be kept under guard until

⁵ Cabot á Figueroa, Feb. 4, 1833, *Departmental State Papers, Benicia Military*, LXXVI, 32. All manuscripts quoted are in the Bancroft Library.

⁶ Carillo's Instructions to Avila, Jan. 21, 1833, *Departmental State Papers*, I, 112-13; Juan Avila, *Notas Californias*, 6, MS; also, Carillo al Jefe Superior, Feb. 18, 1833, *Departmental State Papers, Benicia Military*, LXXVI, 35, MS; Oliva a Figueroa, Feb. 17, 1833, *ibid.*, 37.

⁷ For the "horse thief" phase of this trade see the author's "Horse Thieves on the Spanish Trail" in *Touring Topics*, Vol. 23, No. 1, January, 1931, p. 22.

⁸ Acta del día 8 de enero, 1833, *Los Angeles Archives*, II, 23, MS.

the case had been cleared up. The order issued by Carillo in 1833 is representative of the attitude of the California government in the years to come.

Because of this incident and some others of less importance I have asked the Commander of the Guard of San Gabriel not to give passports or permit any individual to return to New Mexico, having proof that there are few who are not liable for the horse stealing of which I have spoken.⁹

The Californians were not able to handle the situation alone and it was necessary to secure the coöperation of the Governor of New Mexico to check the thievish tendencies of the traders. The Governor was requested "to demand that every merchant coming from his territory provide himself with a regular passport and with a testimonial of good character, so as to guard as far as possible against the introduction into this Department of so many people who, without occupation or visible means of living, are gathering in Upper California to prey upon society."¹⁰ This petition was carried into effect, and from then on all traders were obliged to observe legal formalities and suffer burdensome restrictions and supervision.

The New Mexicans were as closely watched as if they were foreigners. There was an attempt in 1834 to collect duty on the goods imported by them. Don José Avieta had arrived at Los Angeles on the 21st of January, at the head of a party of 125 men.¹¹ They brought a quantity of woolen goods, "1645 serapes, 341 fresadas, 171 colchas y 4 tirutas."¹² The revenue officers were unable to collect a duty, however, as the traders declared themselves exempt by a law of 1830.¹³ Due to the disturbances made by Villapando the previous year, this party was looked upon with suspicion and alarm. Fears were well grounded, for it was discovered that the New Mexicans were causing trouble to the missions. Fray Ramón Abella wrote to Figueroa informing him that:

On various occasions there have passed by his mission men from New Mexico, Sinaloa and Sonora; that the greater part of them are horse and mule dealers, but that others carry liquor and remain there two weeks or more. They sell it to the Indians, making them drunk, and commit other annoyances. They sell it in drinking horns, though he does not know how much this measure costs, but presumes it is dear enough. He begs that Figueroa order that travelers be permitted to remain there only three days except in case of illness.¹⁴

To these good men material losses were of little importance compared to the wanton perversion of members of their flock. The friar's request was granted, but there was still more trouble.

It was found that members of the party had separated to go to the Tulares Valley, and had made known their intentions of returning to New Mexico by way of San José. Their real object, which was apparent to all, was to induce the Indians to steal horses for them. A military force was sent out to prevent

⁹ Carillo á Figueroa, Feb. 18, 1833, *Departmental State Papers, Benicia Military*, LXXVI, 35, MS.

¹⁰ Carillo á Figueroa, Feb. 18, 1833, *op. cit.*, 33.

¹¹ Robert E. Elwell's Letter, Feb. 18, 1834, *Vallejo Documents*, XXX, 64, MS.

¹² Letter to Antonio Osio, Jan. 25, 1834, *Departmental State Papers, Benicia*, II, 16, MS.

¹³ *Ibid.*

¹⁴ Abella á Figueroa, July 30, 1834, *Archivo de Arzobispado, Cartas de los Misioneros de California*, V, Pt. II, 6, MS.

them from going to that retreat and oblige them to return to Los Angeles. They were not to be allowed any excuse or protest and were to return to New Mexico with Avieta's company.¹⁵

Nothing much is known of the caravan expeditions for the next three years. Bancroft suggests that either the archive records are incomplete, or that horse stealing was conducted on a smaller scale and with more caution so that it did not attract government attention.¹⁶ The regulations were probably so well observed that there was little cause for complaint and the commerce was carried on peaceably and inconspicuously. That there were expeditions is known from the fact that in the winter of 1835-36, Dr. John Marsh came to California with a trading party from New Mexico.¹⁷ In the following winter there was a great commotion in the southern part of the province due to the New Mexican connections with the horse-thief, Charlevoix.¹⁸ They had gone through the back country bartering and buying stolen horses from the gentile Indians. This was but a repetition of their former clandestine activities and needs no further mention here. Then in 1838 a party composed of thirty New Mexicans, an Italian, two Canadians, and John Wolfskill made up a caravan to California.¹⁹ They left New Mexico on October 17 and arrived in Los Angeles on February 14. Of their trading ventures in California there is only meager information. In the Los Angeles archives there is a short item dated February 16, giving permission to the Mexicans who had recently arrived to transact business in that part of the province from San Fernando south, but by no means were they to carry their trade farther to the north.²⁰ Here was another restriction. The sphere of trading activities was set within definite geographic limits.

The caravan which arrived in December of 1839 numbered seventy-five men under a most respectable commander, José Antonio Salazar.²¹ His experiences with unruly men show how difficult it was for a really honest merchant to conduct the business properly. The almost military discipline and organization of the company which was maintained throughout the arduous journey across the deserts and mountains, was likely to degenerate in California when there was little need of unity. During Salazar's stay of three months he had much difficulty with men who would not obey him, and in order to keep them under control he was forced to seek aid from the authorities.

One group of traders wished to separate from the caravan and return to New Mexico on their own responsibility. As a result of this insubordination the

¹⁵ Commander General of Santa Barbara to Commander of the Guard, April 3, 1834, *Departmental State Papers, Benicia Military*, LXXXVII, 17-18, MS.

¹⁶ Bancroft, Hubert Howe, *History of California*, III, 396.

¹⁷ Warner, J. J., "Reminiscences of Early California," in the *Historical Society of Southern California Publications*, VII, 189. See also the *California Star*, May 13, 1848, and Lyman, George D., *John Marsh, Pioneer*, New York, 1930.

¹⁸ *Honolulu Sandwich Island Gazette and Journal of Commerce*, Dec. 2, 1837.

¹⁹ Barrows, H. D., "A Pioneer of Sacramento Valley," in the *Historical Society of Southern California Publications*, IV, Pt. 1, 12.

²⁰ Carillo al Alcalde de Los Angeles, Feb. 6, 1838, *Departmental State Papers, Angeles*, XI, 101, MS.

²¹ Dominguez á Tapia, Dec. 21, 1839, *Departmental Records*, XI, 5, MS.

Prefect of Santa Barbara received "orders that the members of the expedition that came from New Mexico under the command of Salazar be prevented from returning without the permission of said commander."²² Then there were those who did not wish to go back when the time came for their departure. Manuel Martínez and a certain Sismos wanted to stay in California, though one was the father of a large family in New Mexico and the other was a boy under age. Since both were engaged to return with the caravan, Salazar asked the intervention of the Prefect in order to prevent the men from shirking their obligations.²³ The Prefect realized the need of keeping peace between the commander and his men and appointed a committee of twelve citizens to enforce the caravan regulations, examine the herds, and accompany the caravan to the Cajon Pass. The committee was given the following instructions:

1. That as soon as they arrive at the camp of the New Mexicans, they must clearly announce the object of their visit.
2. Acting in accord with the Commander, have each owner of stock present himself. Inspect them, and make a list of and segregate those who are evil doers.
3. Also, with the said Commander, indicate the subordinates who are leaving without passports, so that they may be arrested and turned over to these courts.
4. When the inspection is concluded, give the Commander of the New Mexicans a certificate denoting the validity of their purchase of stock. Make a list of the animals, their kind and number, and present it to this court.

He charges the Jueces de Campo to see that the men under his command conduct themselves with order and moderation so that the examination will be made without fault.²⁴

The inspection was made by the committee and all was found to be in order by April 14, and the caravan left shortly after. Salazar, Feodoro Romero, and Miguel Blanco had previously applied for passports. For some unknown reason several of the party returned, and being in no hurry to leave, their passports were demanded. Those who did not have them were promptly put in jail.²⁵ However, it was too inconvenient to keep them in prison because of the lack of funds for that purpose. The authorities decided to release the prisoners under bond of some well-known person who would give account to the Prefect.²⁶

In 1839 there was a move on the part of the government to definitely put an end to the caravan trade. It was not that the traders had become too disorderly, but that an internal problem in California had to be solved. A process of secularization of the missions was going on with little success. The Indians had become demoralized and subject to many abuses. So in January of 1839 Alvarado issued a series of regulations for the management of the missions. Among other things, it was declared that, "The traffic in mules and horses for woolen goods, which has hitherto been carried on in the establishments, is hereby absolutely prohibited; and in lieu thereof, the persons in charge will see that the looms are got into operation, so that the want of the Indians may thus be sup-

²² Casarin al Sub-Prefecto de Santa Barbara, Feb. 8, 1840, *ibid.*

²³ Salazar al Prefecto de Los Angeles, April 7, 1840, *Departmental State Papers, Angeles*, IV, 55, MS; Tapia al Jueces del 1° y 2° Distrito, April 7, 1840, *ibid.*, 55-57, MS.

²⁴ Order issued by Lugo, April 8, 1840, *Departmental State Papers, Angeles*, IV, 57, MS.

²⁵ Tapia al Juez Primero de Los Angeles, April 22, *ibid.*, 74.

²⁶ Tapia al Juez de Los Angeles, April 21, 1840, *ibid.*, 73.

plied.”²⁷ The Indians were to be put to work and be made self-supporting. This regulation was only provisional and it was followed by another on the 1st of March.²⁸ The latter document, however, makes no mention of restrictions on the wool trade. Very little importance was attached to these measures for they were neither thorough nor permanent, and the caravan trade continued as before.

The great raid on horses carried out by trappers and Indians in the spring of 1840 created a delicate situation for the already much-suspected traders from New Mexico. When the regular caravan arrived in November of that year, the Californians were ready for anything. There is a letter saying:

The Governor has provided that the Lieutenant Colonel Gumesnido Flores, Military Commander of Santa Barbara, go with an armed force to aid in the suppression of the New Mexican party which has just arrived. He is to be on the watch for the party of robbers, who are called the Chaguanosos and are adventurers of all nations, who are about to arrive. He is authorized to find the necessary resources if these are not sufficient.²⁹

Horse-stealing must not have been very profitable that season on account of the alertness of the militia, and the traders must have conducted themselves with the proper decorum.

The fall of 1841 saw the approach of several overland expeditions to California, two of which came by the Spanish Trail.³⁰ These were the regular caravan led by Vigil, and the Workman-Rowland party which was accompanied by a large number of New Mexican traders and settlers. In 1841 the immigrant movement to California is said to have definitely begun. Now the caravan trail began to serve a double purpose, being used not only as a route for trade, but also as a path for immigration.

The trading party led by Francisco Estevan Vigil arrived at Los Angeles the latter part of October, having left New Mexico the 6th of September.³¹ On his arrival Vigil presented his passport, together with a list of instructions which had outlined his conduct in regard to the caravan. This document gives an interesting insight into the duties and responsibilities of a commander of the caravans.

This passport is granted to Francisco Estevan Vigil in order that he may go to transact business in California accompanied by thirty-five merchants and others that may congregate on his departure. He is named commander of the caravan. It is requested that the authorities of his destination give him the aid which he may need to punish insubordinates who lack the proper respect for him.

1. As soon as his party assembles he shall name a second commander. Then make an estimate of the number of men that make up the company, and the arms and ammunition which they carry.

²⁷ Alvarado, Reglamento Provisional para Administradores de Misiones, 17 de enero, 1839, Art. 8, *Departmental State Papers, San José*, V, 52-55, MS.

²⁸ Alvarado, Reglamento de Ex-misiones, 1° de Marzo, 1840, *Vallejo Documents, XXXIII*, 30, MS.

²⁹ Fernandez al Prefecto, Nov. 30, 1841, *Departmental State Papers, Angeles*, XI, 130, MS.

³⁰ In February of 1841 Joseph Walker also arrived at Los Angeles with a party of fourteen men on a horse buying expedition. This is one of the early trips made by Walker to California to buy stock. He conducted his business independently of the caravan traders, though on later occasions he traveled in company with them. Arguello al Secretario del Gobernador, Feb. 10, 1841, *Departmental State Papers, Benicia Prefectura y Juzgada*, IV, 3, MS.

³¹ Vigil al Prefecto de Los Angeles, Oct. 15, 1841, *San Diego Archives*, 279, MS.

2. Make a survey of the total amount of goods which the members take.
3. He shall lead the caravan with as much order as if it were in national service. No one should be permitted to separate from the company without his knowledge. In such case he should be aware of the business or project in view in order that he may give the necessary aid.
4. They shall travel with as much precaution as if they were traveling through lands of barbarous people. When they come to a tribe friendly to this Department, the Indians should not be harmed or given any cause for complaint.
5. The individuals of the expedition shall maintain all due respect for the commander-in-chief, who is the protector of the lives and property of said persons.
6. The commander may inflict punishment by arrest or by any other means in conformity with the laws.
7. The commander is responsible for any loss of men or goods coming from delay or abandonment.
8. On arriving at the first settlement in California he shall give account of all that has occurred during the journey, and ask for a permit to engage in trade with security.
9. And finally, before the company separates for trading purposes they shall agree on the place of reunion and the time for departure. Give notice of this to the nearest Justice so that the examination of the herds will be done legally. If there are any evil doers they should be handed over to the authorities to be punished. If the commander fails in this, or in any thing else provided in the preceding articles, he shall suffer the penalty imposed by said authorities.³²

These instructions show how well organized the caravan expeditions had come to be. It also indicates certain evils that needed to be remedied. The company must be kept together, it must abide by certain rules, and it was subject to the absolute authority of the commander, who would be upheld by the government. The law had stepped in and the traders were no longer bound solely by mutual agreement or contract.

When Vigil presented his report to the officials on his arrival in California he wrote, "I give you notice that a party of American merchants are coming, and with them are others who have the intention of residing in this country."³³ This reference was to the company led by William Workman and John Rowland, men who had found it expedient to leave New Mexico for political reasons. They were joined by some thirty Americans with their families who had failed to make connection with the Bartleson-Bidwell party which left Missouri for the coast by the northern route. The company was further enlarged by the addition of a number of New Mexican traders and settlers who were also ready to start for California. The total number approximated 134 persons.³⁴ It was a motley company, forty of them being considered foreigners, others were naturalized citizens with Mexican families, and the rest, the great majority, were native New Mexicans.³⁵ A herd of sheep was driven along to serve for food, and the company is said to have met with no accidents on the way.³⁶ Dr.

³² Trujillo's Instructions to Vigil, Aug. 19, 1841, *Departmental State Papers, Angeles*, IV, 77-78, MS.

³³ Vigil al Prefecto de Los Angeles, Oct. 15, 1841, *San Diego Archives*, 279, MS; Alvarado á Castro, Dec. 6, 1841, *Vallejo Documents*, X, 373, MS.

³⁴ Palomares á Arguello, Dec. 2, 1841, *Departmental State Papers, Benicia Prefectura y Juzgada*, III, 100, MS.

³⁵ Alvarado al Ministro de Relaciones, June 3, 1842, *Departmental Records*, XIII, 16-18, MS.

³⁶ Wilson, Benjamin Davis, *Observations in Early Days in California and New Mexico*, 22, MS.

Lyman's experiences, however, must have been an exception. As a protest against the capture and enslavement of three Indians by the New Mexicans, he left the caravan and with two companions "endured the most excessive fatigue, and deprivations of food and water" before they reached the Mojave, almost dead from exhaustion.³⁷ The rest of the company arrived at Los Angeles only a short time after Vigil.

The approach of such a large number of foreigners caused considerable apprehension. The Californians had been forewarned and Don José Castro was sent with a force of volunteers to make a reconnaissance of the new-comers. He was given full power to carry out any defensive measures that were necessary.³⁸ But when the company arrived in the province and had been interviewed, all fears were banished. Alvarado found them to be nothing but peaceful traders and immigrants.

The object of all according to those who talked to me, is to exchange woollen goods for horses and mules as has been done on other occasions. At the same time they wish to observe the country and see if it would be a suitable place to bring their families and property. They wish to leave New Mexico because of the continual invasion of Indians in that Department.³⁹

Needless to say, the prospective settlers were pleased with southern California. For the next few years the Mexican caravans brought families with them to swell the small settlement at San Bernardino, the little trader colony at the end of the Spanish Trail.

Toward the end of January, Vigil began to assemble his men for the return journey. As usual there was trouble with unruly men who wished to leave the company and carry on illicit trading ventures of their own. Vigil, acting in accordance with his instructions, dispatched Ignacio Salazar from San Bernardino to the Prefect of Los Angeles, with the request that a place be set where his men could gather their herds, and where he could supervise their activities and keep them to the straight and narrow path.⁴⁰ By the middle of February the commander decided to allow a part of the company to remain. Francisco Estevan Quintano was permitted "to separate from the assembling company of New Mexicans and return to his province in due time; and to transact such business as is agreeable to him. The same permission is given to the others who wish to follow the said Quintano, for they are many and cannot all go together."⁴¹ If the full number of men of both expeditions had returned at approximately the same time, it would have caused a scarcity of grass and water along the trail that would have occasioned much suffering.

April was the usual time of departure, and both parties of traders left at

³⁷ Dr. Lyman's letter, quoted in Farnham, Thomas Jefferson, *Life, Adventures and Travels in California*, 379.

³⁸ Alvarado al Ministro de Relaciones, June 3, 1842, *Departmental Records*, XIII, 13-15, MS.

³⁹ *Ibid.*, 18.

⁴⁰ Vigil al Prefecto, Jan. 26, 1842, *Archives of Los Angeles, Miscellaneous Papers*, II, 142-43, MS.

⁴¹ Arguello al Jueces de Paz de Los Angeles, Feb. 12, 1842, *Archives of Los Angeles, Miscellaneous Documents*, II, 137, MS.

that time. Vigil and his men were issued passports on April 11. Both Vigil and Rowland were specified commanders of their respective companies and were given instructions for the supervision of their caravans on the homeward journey.⁴² That some of the traders had been up to their old tricks was discovered by Antonio Avila while he was waiting in the Cajon Pass to keep an eye on the traders. But he was not watchful enough, for a number of men had made their departure with about one hundred horses.⁴³ Then Palomares was sent to the pass with twenty men to inspect the herds of the remaining traders. From his report we know that Rowland left on April 7 with some three hundred head of stock.⁴⁴ When Vigil's company came up for inspection seven men were found missing and a number of stolen horses were seized. Finally on the 16th of April, "194 New Mexicans made their departure from La Puerta del Cajon with 4150 animals legally acquired, leaving nine which lacked the mark of sale."⁴⁵

Information regarding the caravan of the following year (1842) is very slight. On the 9th of November the arrival of nineteen families was announced.⁴⁶ They were probably the ones brought by the scouting party that had come to look California over the year before. Santiago Martínez was the leader of this company. On the 2nd of March, 1843, it is recorded that twenty-four individuals returned to New Mexico with 252 head of stock.⁴⁷ The winter expedition of 1842-43 disposed of in this brief fashion, we can turn to the next year's caravan which has been more fully recorded.

In November of 1843, expeditions both arrived and left for New Mexico. A document dated November 30, granted passports to a company leaving for Santa Fé for the purpose of commerce.⁴⁸ On the same day a letter was written announcing the approach of the annual caravan.⁴⁹ Early in December Tomas Salazar reached Los Angeles with his 170 Mexicans including ten families. The object of their coming was to sell their serapes and other woolen goods. Their business attended to, they returned in April of the next year. Frémont was also leaving California at this time, and his party made a point of traveling in advance of the caravan in order to avoid the scarcity of grass and water resulting from the passage of a large drove of mules and horses over the trail. While encamped on the Mojave River he was surprised one afternoon by the appearance of two Mexicans, a man and a boy eleven years old. Here is the story they told.⁵⁰

⁴² Arguello's Instructions, n.d., *Departmental State Papers, Angeles*, VI, 105, MS.

⁴³ Domingo al Prefecto, April 5, 7, 1842, *ibid.*, 106.

⁴⁴ Domingo al Prefecto, April 18, 1842, *ibid.*, 106.

⁴⁵ Arguello al Juez de Paz, April 21, 1842, *op. cit.*

⁴⁶ Martínez á los Jueces del Departamento de California, Nov. 9, 1842, *Departmental State Papers*, XII, 23, MS.

⁴⁷ Dominguez' Letter, March 6, 1843, *Departmental State Papers, Angeles*, VII, 54, MS.

⁴⁸ Passport, Nov. 30, 1843, *ibid.*, 95.

⁴⁹ Coronel á Dominguez, Nov. 30, 1843, *ibid.*, 23.

⁵⁰ Frémont, John C., *Report of the Exploring Expedition to the Rocky Mountains in the Year 1842, and to Oregon and California in the Years 1843-44*, U. S. 28th Congress, 2d Sess., Senate Document No. 174, 261-65.

Andres Fuentes and Pablo Hernandez (the boy) had belonged to a party of six who had left Los Angeles in advance of the caravan in order to travel more at leisure and obtain better grass. The party consisted of the wife of Fuentes, the mother and father of Pablo, and the guide Giacomo. Having gone as far into the desert as was consistent with their safety, they stopped at Archulete, one of the customary camping places. A few days later a party of about one hundred Indians suddenly appeared and charged down upon the camp. Pablo and Fuentes were on horse guard at the time and so were mounted. They drove off the animals and made off at full speed across the desert, leaving the rest to their fate. The herd was left at Agua de Tomaso, and the fugitives hurried on hoping to meet the caravan and came upon Frémont's encampment. Godey and Kit Carson succeeded in recovering part of the horses, but when the party reached Archulete they found only the corpses of the two men. Of the women no trace could be found. A little lap-dog which had belonged to Pablo's mother, remained with the dead bodies and was frantic with joy at seeing Pablo. Early next morning the party went on, leaving a written account of the tragedy in the cleft of a pole planted at the spring in order that the caravan might learn the fate of their friends.

An interesting fact revealed by this incident is that women and children accompanied the caravans. They had previously been brought across as settlers, but here they were brought along definitely as companions in a long and arduous journey for trade. It must have been quite a family affair, with wives, children and lap-dogs. Travel across the interior was evidently fairly safe if the traders were willing to risk the lives of their families. There must have been a general feeling of security in regard to the Indians or the small Hernandez party would not have ventured forth with such attractive bait as a herd of horses. The regular caravans, made up of large numbers of men, were able to overawe the prowling Digger Indians, and aside from the natural difficulties of desert and mountain travel, they went in safety.

The California archives are silent on the caravan trade after 1844. During the period of the Mexican War and in ensuing years, most of the available information concerning the trade over the caravan trail comes from American sources. Several Americans, fur hunters and traders, turned their attention to horse trading as Joe Walker had done, and it is their expeditions we hear of rather than the New Mexicans'. Whether or not these men came with caravan trains is uncertain. It is stated, however, that Louis Robidoux came to the coast in 1844 with a party of traders.⁵¹ Three of the fifteen men that James Beckwourth brought to California in 1844 were also natives of New Mexico but they were lost in the Utah country for they lagged too far behind and were killed by hostile Indians. Beckwourth loaded three thousand dollars' worth of goods on forty horses bought from Indians with whiskey, and did a very profitable business in Los Angeles for several months. When he left he made

⁵¹ Ingersoll, Luther A., *Century Annals of San Bernardino County*, 100.

off with "1800 stray horses found roaming on the California ranches."⁵² Joe Walker had acted as guide for Frémont and in 1846 returned from California driving some four or five hundred horses which he intended to dispose of in the United States.⁵³ The days of beaver trapping were over, and these hardy mountaineers had to turn to some other way of earning their living.

The overland trade was much retarded by the Indian raids that followed in the wake of the Mexican War. "Uncle Dick" Wootton says, "In 1847 the Utahs fell out with the Mexicans and from that time on, for several years, they were at war more or less with everybody."⁵⁴ Such conditions were not favorable for commerce. It was practically impossible to drive large herds of horses through regions exposed to Indian enmity and avarice.

The last caravan expedition of which anything is definitely known came west in the winter of 1847-48. Its arrival was announced in a San Francisco newspaper along with the mention of other immigrating parties.

... Also a large trading party of New Mexicans have come into the country consisting of about 212, of whom 60 are boys; they have about 150 mules packed with blankets and articles for traffic. They bring safe guards from the commanding officer of Santa Fe, and were much astonished when called on to pay duties. Such a band of men coming partly armed of course excited apprehensions, and Col. Stevenson has made them come to Los Angeles and make certain stipulations. All at Los Angeles seem to think they came in good faith, and Carson says he knows many of them, and that they were friendly at Taos.⁵⁵

This short quotation gives some idea how the caravans were regarded by the new government. The Mexican War was over and the American occupation had been effected. The days of Mexican paternal supervision were over. But there were still the same problems to be dealt with. The bodyguard furnished by the commanding officer of Santa Fé may have been a disciplinary measure as well as a protection against the Indians. There was the same question of paying duty that rose in 1834 when the caravan trade was in its infancy. As the old traders had continually kept the Californians full of fears and suspicions, so these men caused the authorities much apprehension. There were even "certain stipulations" made to curtail their actions. This wild-looking group of 200 armed horsemen were as much a menace to public order and security as the traders had ever been under the Mexican régime.

The return of this company took place in April as was customary. Lieutenant Brewerton left the vicinity of Los Angeles May 4, and to him we are indebted for a description of the final caravan expedition.⁵⁶ His general course was by the Spanish Trail and he traveled as rapidly as possible to overtake the Mexican party which was slowly making its way back to Santa Fé. The large *caballada* of nearly 1000 head had eaten the grass and consumed the water at

⁵² Bonner, T. D., *The Life and Adventures of James P. Beckwourth*, 386.

⁵³ Bryant, Edwin, *What I Saw in California*, 143.

⁵⁴ Conard, Howard Louis, "Uncle Dick" Wootton, *the Pioneer Frontiersman of the Rocky Mountain Region*, 205.

⁵⁵ San Francisco *Californian*, Dec. 29, 1847.

⁵⁶ Brewerton, George D., "A Ride with Kit Carson," in *Harper's New Monthly Magazine*, VII, 306, August, 1853.

the few camping places along the route, and did considerable injury to Brewerton's party. But they finally overtook and passed the caravan after some eight days' travel in the desert.

A new era of development began with the American occupation of the Far West. When the "commerce of the prairies" at Santa Fé had been resumed after the war, new factors had entered in to cut off the caravan trade to California. There were new routes marked out by Beale, Kearney and Cook through the Southwest. These were not mere trails, but real roads opened by the invading armies. Aside from these southern routes from New Mexico, there were more popular ones to the north leading from Missouri to California and Oregon. As a highway of commerce the Spanish Trail was superseded by other routes that were more direct and easier to travel. With the closing of the Mexican period the old horse trail with its caravans became a thing of the past.

The rush of "forty-niners" to California and the rapid increase of population in the "Gold State" brought a great shift in western overland trade. Whereas in former years herds of mules and horses were driven to New Mexico to supply the eastern markets, now great droves of sheep and cattle were sent west to furnish the Californian demand for foodstuffs.⁵⁷ In the days of the caravan trade, New Mexican blankets had been exchanged for California horses and mules, but after 1849, New Mexican sheep were driven overland to exchange for gold. The great bulk of this stock was sent over the southern routes by way of the Gila River of the Zuñi villages. Economic demands had been altered and the caravan trade came to an end.

ELEANOR LAWRENCE.

⁵⁷ Brevoort, Elias, *The Santa Fe Trail*, 7, 12, MS; Davis, William Watts, *El Gringo, or New Mexico and Her People*, 265; *San Francisco Bulletin*, Nov. 5, 1858.

"CALIFORNIA'S BANTAM COCK"

THE JOURNALS OF CHARLES E. DE LONG, 1854-1863

Edited by Carl I Wheat

(CONTINUED)

THE JOURNAL FOR THE YEAR 1859*

JANUARY 1859

Sat. 1, — In bed nearly all of the day very unwell Arose in the afternoon made one call on Mr's Baker opposite the Capital took a Cup of Coffee and some cake, in the ev'ning partook of refreshment's set out in the Orlean's¹ parlor, and afterward had some children's play's in which all hand's took a part. the weather cloudy & cool.

Sun. 2, — Settled up and left the Orlean's; and came down to the Casca House;² Had a meeting of the Douglass member's of both House's; tried to get the Lecomptonite's split up by offering to go for More of Nevada for Speaker; had another meeting in the evening and determined to go it on our own hook;³ the town full of bummers and office seeker's.

Mon. 3, — Organized;⁴ Aud Temporary Speaker;⁵ ajourned until to-morrow at 12 — held a meeting at 3 Oclock of the Douglass men; determined to hold our own caucu's after a lengthy debate met at 7 Oclock in the Clerk's room whilst the Lecomptonite's were going it in the Hall; I was nominated by my party as Speaker; and we made full nomination's.

Tue. 4, — Attended at Roll Call; done no business of much importance, ajourned early after electing officer's. I reced 11 votes for Speaker, Stratton was elected;⁶ the Douglas men preserving their identity throughout read during the day and evening, had some visitor's and in the evening went down in the parlor and played a game of card's and had some music

Wed. 5, — On hand at roll call had a little business done but not much came home and read some, drafted the two bill's relative to Sierra &

* The year 1859 was an eventful one for De Long. That he had now reached a high position in the Douglas or Anti-Lecompton (Broderick) faction of the Democraic party is evidenced by the fact that the members of the Assembly of that persuasion voted solidly for him as Speaker, and throughout the legislative session he led this minority group. The investigation of the Stockton Insane Asylum and a tour of inspection of Oakland as a possible State Capital site enlivened the session. The affair with "the mysterious lady in Number 8" commenced early in the year, but with the return of Elida Vineyard from Fort Tejon he was convinced that she was "the girl," and during the year he talked things over with her father and became formally engaged to her. Politically De Long both lost and won. He was nominated for State Senator by a large vote and greatly solidified his party position, but at the September election he went down with the rest of the Anti-Lecomptonites. The canvass was an exciting one. Colonel E. D. Baker and Senator Broderick both gave aid and advice to the youngster from Yuba, and he deeply mourned the passing of Broderick after his fatal duel with Judge Terry. It was then that De Long wrote in his Journal that his party needed a leader and that if he but had money and age he could be that leader. In September the partnership with General Rowe was dissolved and henceforth De Long practised alone. The year closed with a brisk run of law business and much visiting with Elida, then staying with her sister in Marysville.

Nevada countie's and a Resolution relative to Federal office holder's interfering in State politic's and legislation

Thu. 6,— Attended to business at the House, gave John & Jim my Sierra & Nevada county bill's, for introduction,⁷ done nothing else of importance came home and read steady, . . .

Fri. 7,— Done no business of any account to day ajourned early, over to Friday in commemoration of the Battle of New Orlean's.⁸ read pretty steady, at nigh[t] went up town and staid until late had a meeting of Douglassites relative to the Daily Register.⁹ and quite a lively time when I came home a heavy white frost covered everything

Sat. 8,— Foggy and cold as blaze's, wrote some letter's sent off some paper's, done no business, drew \$60.00 in pay, came home, in the evening Crowe of San Francisco came here with John O'Neil and remained until late, giving us a perfect insight into Politic's and Vigilancism, talked politic's[,] Wellerism and the Senatorship.¹⁰

Sun. 9,— Cloudy or foggy and very cold, as usual; no sunshine or gaiety and dull time's arose late feeling dull took a walk with Slingerland to the Cemetry and up to the State House, came home found Crowe here went up town with him talked politic's, ran around some, came home played poker until late, with John & Jim win about \$17.00

Mon. 10,— On hand at roll call; nothing of interest transpired; the weather beyond all odd's[,] to speak profanely[,] is the damdest meanest I ever saw; cold cloudy and foggy, done no business of much account, done some writing and reading in the evening.

Tue. 11,— The weather as usual cloudy and cold have not seen the sun yet since I have been down; attended to my dutie's at the House, introduced a bill for an Act to amend the Criminal Practice Act to give the Defendant the close.¹¹ — in the evening attended the first regular meeting of the Judiciary Committee and left disgusted

Wed. 12,— Attended to business at the House, nothing of importance; Mitchel of Tulare came up, heard that Elida was at San Francisco Sent Petition and letter to her Father; in the evening went to the Sacramento Theatre and saw the Pride of the Market played;¹² then went to the Mutual Benevolent Society's Ball,¹³ and from there went to the Vernon House¹⁴ with Davis

Thu. 13,— Arose early, got on board of the Boat [and] went down away's to meet the San Fran- boat, met her came up again went to all the Carriage's and on board the boat expecting to meet Elida was disappointed, got on board again and came up, to Marysville; arrived there about 2 Oclock in the morning played card's all of the way, up with Kent Wickersham and Davis.

Fri. 14,— Attended Court early in the morning, jury brought in a verdict of not guilty for Brown the Greek,¹⁵ whereon the Dist Atty entered a nolle for Harris on the charge of Robbery but held him for Larceny; went to Judge Singer's and spent the evening with the snow drop's;¹⁶ had a fine time

found them kind and felt very warmly toward them, reced two letter's[,]
one from Elida and one from Jenny¹⁷

Sat. 15, — Called up Harrise's case and had a nolle entered tried Rami-
rez and acquitted him, Wateman arrested got him out on bail; then went
around in the afternoon and saw my snow-drop's, had a good time, in the
evening called upon Mr's Laird and the Mr's Pierson's and on Johnson, and had
a good time

Sun. 16, — Took the boat and came down, all right remained home
wrote some letter's, in the evening went down in the parlor Mr's Hieffert
and other's sang¹⁸ had a fine time; then came up and prepared three bill's
one for Usury and two relative to firemen wrote to Dr Dodson and received a
letter from him, kindly got stuck after little widow Bedford

Mon. 17, — At my post introduced my firemen Bill's and my Usury
Bill;¹⁹ done no other business much; ajourned went up to the National
Theatre and saw John Drew the Irish Comedian;²⁰ then went out with the
boy's and got supper . . . the weather still cool dark and foggy

Tue. 18, — Slight rain last evening; Duncombe case came up in the House;
Jim Hardy opened for the contend [sic] and Tod Robinson for the incumb-
ent;²¹ House ajourned; went up in the evening and saw Mr's Denny and
daughter Staid awhile[,] then came down and attended, the Judiciary Com-
mittee they slaughtered my bill's, went to the Library got some book's
and came home

Wed. 19, — At the House in good season, drew up a minority report and
introduced it on the Criminal Practice Act Bill,²² occupied the chair in Com-
mittee of the whole and afterward made my speech in Duncombe's defence,
think I done myself justice;²³ in the evening called at Hatche's with Cald-
well, then went up to the St George's²⁴ at a whist party, with Mr's Chesley;
then went with Cameron, . . .

Thu. 20, — Introduce Fall's Bridge Bill;²⁵ done no other business much
the Duncombe case occupied nearly all day; Pixley^{25a} made his mark; in the
evening Fall called upon us and afterward I went to the Grace Church Festival
and took Mr's Lamott, had a very good time did not stay late; very
crowded;²⁶ the weather beautiful.

Fri. 21, — Done considerable of business during the day; and then went
in on the Duncombe case again; and stuck to it until night I wound up the
proceeding's in a short speech; came home, and went up to the Theatre with
the boy's, and saw Stark play the Marble Heart²⁷ left feeling blue; came home
and dedicated "*Our Gal*"

Sat. 22, — The House done nothing much to day, but settle the Duncombe
case against the incumbent by a vote of 50 to 26, good for the clannish
cusse's. busied myself during the afternoon and the first of the evening in
hunting up authoritie's and preparing a minority report upon the Usury Bill.
loaned Slingerland \$120.00 in the evening went to the theatre with the boy's
and saw the same play

Sun. 23, — Read pretty busy during the first part of the day, then finished my Report on my Minority Report, during the day number's of the boy's came down, in the evening we went up to Dr Underwood's²⁸ and listened to some music and sin[g]ing, then came down and spent the evening at home, wrote to Jenny Hay's and Elida, then went out with Jim and got some oysters

Mon. 24, — Had a hell of a time during the day finally disposed of the Duncombe case by declaring the seat vacant; had a devil of a time getting in some protest's.²⁹ in the evening had a dance, and a first rate time I waited on Mr's Lamotte we went out in the evening and tried to get some girls but made a failure

Tue. 25, — Had a devil of a time over protest's, and done some other general business. — broke up after laboring on Shannon's Bill relative to Witness Fee's, but finally the whole thing smashed through at Shannon's expense on my motion to exempt Plumas Co.³⁰ — Went to Lee's room with Douglass and Sloss[,] then came home and played checker's and card's with Mr's Lamott and had a good time

Wed. 26, — Had a dull time in the House. Arnold came down from Marysville; run around town with him a little wrote to Miss Annie and Ada and sent up some music to her; then went out a few moment's called at the Orlean's a few moment's; then came home and retired early

Thu. 27, — Done some business in the House passed my Inisane [sic] Asylum Resolution but the Senate beat it;³¹ Engrossed the Bridge Bill; went to the Theatre in the evening with the boy's and saw the Pope of Rome[,] a beautiful play;³² then went around to the Orlean's to a children's party; Wrote to the *Snow Drop's* to engage them for a Ball, Jim & I

Fri. 28, — The House beat my Insane Asylum Resolution; and then done no other business much; in the evening attended the Judiciary Committee, became disgusted and left; run around with Ballow . . . came home[,] found Mr Wohler here; raining hard

Sat. 29, — In the House nothing of importance transpired we ajourned early; reced letter's from, Hanson, McLean and Pomeroy and answered them. in the evening went up to Wohler's room and partook of lunch; then came home G A Douglass came with us, and we had a devil of a time in our room's; —

Sun. 30, — Arose early and went to Folsom with Sam Smith & other's; saw all of their improvement's, Devil's Glen &c Saw young De, Long;³³ had a fine time came home; and in the evening had a high old time with the ladies in the parlor; reced a letter from Dr Geller

Mon. 31, — Done but little business in the House to day; a good many of the member's absent ajourned early; raining some during the day; came home and done some reading and in the evening went down and had a great time with the ladie's;

FEBRUARY 1859

Tue. 1, — Got up and found all of my clothe's sown up, had a devil of a time getting them ripped out; in the House after some discussion on the Nicaraguan Resolution's³⁴ waded into my bridge Bill and got beaten by one vote;³⁵ Keyser, McKorkle &c. down here, and hell to pay generally; went around to the Judiciary Committee Room's, and from there to the Orlean's to a dance staid only a short time and then came home Win a watch three times loaned Gorman \$20.00

Wed. 2, — In the House to day reconsidered the vote on the Bridge Bill, and got beaten on the final passage of the Bill by one vote. — Done some other general business; reced letter's from Judge & Annie Singer, & Hanson & Edgar, in the evening attended a caucus & then went to the St George to a hop. took Mr's Thomas, and had a fine time, met Miss Swearinger

Thu. 3, — Had hell in the House to day over the Broderick Resolution's.³⁶ Lies and I were arrested, and I afterward's Made Stratton apologize in his seat. had a great time during the balance of the day with Fairfax acting as my friend but after a day of excitement nearly all the trouble seem's past; and no fight in prospective Sloss and Stratton also had a row.

Fri. 4, — Arose to a question of priviledge and explained my difficulty; Stratton and Lie's followed.³⁷ took the boat with Burdick, Eagan and Lansing and left for San Francisco. Arrived and put up at the International³⁸ ran around town in the evening and had a devil of a time; saw Pat Osgood, and his victim Mary Beckett; had a fine time with her she recited to me the whole history of the affair, under interesting circumstance's.

Sat. 5, —Eagon, Burdick, & myself, spent the day in running and riding around town, went to North Beach, & South Park;³⁹ struck the *Gilpin gal* in an omnibu's. went to the Menagerie; saw the Steamer off, and at 4 O clock took the Stockton boat and came up without any adventure.

Sun. 6, — Went to the Episcopal church with the boy's and Mr Sander-son, then went to his house, in the evening went to church again, saw a confirmation. went to and through the lunatic Asylum.⁴⁰ went to a Turn Verein Ball in the evning and had a hell of a time dancing with the Dutch gal's put up at the Weber House.⁴¹ Williamson & Griffith & Dent met us. Wrote a long serious letter to Annie

Mon. 7, — Went up to the Asylum and went through it organized our Committee, Dent *Chmn.* the day was pleasant; felt like thunder after seeing all of those patients and especially the female portion; in the evening went to Singing school I escorted Miss Dent; came back and run around town the balance of the evening, the most homely girls I ever saw.

Tue. 8, — Went to work in good earnest taking testimony took Brett's first and afterwards Dr Ryer and others; kept on until nearly dark in the evening attended by invitation a lecture delivered by J Ross Brown before the Society of Natural History at the theatre raining like thunder, dull show, fell asleep⁴²



CITY OF STOCKTON.

From *Hutchings' California Magazine*, Vol. VII. Courtesy of Bancroft Library.

Wed. 9, — Committee met at the Asylum and spent the day working hard and faithfully taking testimony it stormed some during the day; in the evening I attended a collation given to M D Boruck⁴³ by the San Joaquin Engine Co. No. 3.^{43a} had a splendid time run around town afterward and got pretty tight made several Speeches during the evening

Thu. 10, — Felt like thunder; the Committee met again at the Asylum; I laid down and slept awhile worked all day; it stormed hard; got through up there at dark, came down [to Stockton] in a carriage paid \$15.00 for it had a pleasant time during the evening listening to Mr's Dent sing and enjoying a chit chat with the ladie's in the parlor. wrote to Annie.

Fri. 11, — Met in the parlor finished all the evidence in the Brett case that we could get here took Otis Brett's statement; rained some during the evening and is now blowing hard; reced a letter from Slingerland spent the evening in the parlor with the ladies and enjoyed myself.

Sat. 12, — Committee convened at the Webber House took the affidavit's of a great many witness'es; hurried through at rail road speed, examined ac|coun|t's; contract's &c; I had quite a spat in the Committe[e] room with Griffith; went through[h] the Asylum and over the ground's. conversed with Fanny Beardsly, in the evening went to see Martin the wizard^{43b} had a little row with the Door Keeper, on our return

Sun. 13, — Came up to Knight's Ferry,⁴¹ took some deposition's, came on up [to Sonora] arrived about 7 O clock, put up at the City Hotel;⁴⁵ it rained nearly all of the way; after supper went around and saw some gal's, but came home all right.

Mon. 14, — Took Deposition's all day, and concluded the same about, night; had the greatest spree on record in the evening; went to the Long Tom Saloon⁴⁶

and was introduced to dozen's and found many personal and political friend's went to see the gall's saw Kate Hay's⁴⁷ & afterward Cad [Carl?] Wood's, Burdick had a little row; remained until nearly time to take the stage then came down to the Hotel & got on about 3 O clock AM —

Tue. 15, — Came on down without much adventure; left Bill Williamson & Eagan at Knight's Ferry, and the rest of us came on, when we got to Stockton the Horses ran away and throwed me & the driver off after a most terrific ride, & then ran on with the rest of the boy's until one of the horse's fell and the boy's got out; then came on down to San Francisco I was quite lame from bruises on both leg's.

Wed. 16, — Loafed limping around San Francisco until 4 O clock, then took the boat & came up [to Sacramento]; waited upon Mr's Pierson, left Burdick & Lansing at the Bay, arrived safe at about 3 O clock in the morning, and came up to the Casco House & went to bed found Mr Spencer here who left in the morning.

Thu. 17, — Went up to the House found a quantity of letters awaiting me spent most of the day in answering them; found one from Elida & one from Annie[,] also one from Dr Grove's. rained some during the day; in the evening had some champagne with the Ladie's and played Blind man's Buff and had a good time generally.

Fri. 18, — Attended the House, done no business of any interest wrote some letter's and remained until the middle of the afternoon when I came down to the Orlean's & saw Mr's Kennedy and Julia⁴⁸ and read a letter from Judge Deighan's Daughter; came home and spent the evening in writing a speech on the Usury Bill reced a letter from Annie

Sat. 19, — Again attended the House most of the time taken up in discussing the Militia Bill,⁴⁹ ajourned until Wednesday; spent the afternoon and evening in running around town and doing some business wrote to Miss Annie; got ready to go up in the morning

Sun. 20, — Took the boat with Jim and went up [to Marysville] arrived about 4 A M. went around and saw some of my friend's, had a good time; in the evening called at Judge Singers spent a very pleasant evening was invited to call again to-morrow, came to the office and stopped all night

Mon. 21, — Run all over town; seeing my friend's felt well pleased with my reception, in the afternoon went up and saw the girl's Annie & I went in the back room, and for the first time had a long plain talk & fair understanding we concluded after the Ball to part as friend's but no more, went up again in the evening felt very sad, remained very late, fed the horse &c; parted feeling the same; this was indeed a sad day to me, but it was all the result of my own fear's

Tue. 22, — Run around town all day; all hand's hot about the coming charter election;⁵⁰ heard that Duncombe was surely elected;⁵¹ in the evening went to the Ball with Jim, Ada, and Annie; did not have a pleasant time owing to my feeling's came home late after a long talk & final understanding; I was

to send back her letters, &c; bade them good bye & came up to the office; Jim made me his confidant and told me he loved Ada; remained up until morning

Wed. 23, — Came down on the boat [to Sacramento] feeling like the devil came home and staid all day, had a good time with the ladies during the afternoon and in the evening Mr's Kenzie sang for me we played checker's; and afterward's had a regular good rough & tumble time in No. 8,⁵² during the day slept on the sofa & the ladies blacked my face but afterward's washed it and combed my hair all taking turn's.

Thu. 24, — Attended at the House, done considerable business; saw Mike Gray, and other's spoke a little on rule's and also on a bill concerning the conveyance of mining claim's; in the evening attended the theatre and saw Mr's Wood's in the Queen of Spade's & Mischief Making;⁵³ had an oyster supper and came home

Fri. 25, — Attended the House did not do much business of any importance; in the evening attended a Ball at the Casco House had a beautiful company and a fine time; danced until about 2 O clock Miss Julia was there in all her glory; after the Ball Jim, John, Sloss, Burdick and myself played poker until breakfast I came out \$30 winner.

Sat. 26, — Attended the House feeling like the devil Fall's Bridge Bill came up, and after a hard fight we got it referred to the Committe[e] on Commerce & navigation⁵⁴ went home and went to sleep. Committe[e] on Lunatic Asylum made out their Report; I dissented and was given until Monday to Report, Attended a Caucu's in Bill Williamson's room

Sun. 27, — Worked all day hard in drawing up my Minority Report; it rained hard in the morning and again in the evening spent a portion of the evening in the parlor with the ladie's, had a long talk with Jim about the little snow drops found he was fixed; and I was wavering he hoped upon my meeting Elida I would not like her.⁵⁵

Mon. 28, — Had a row on the appointing of a Special Reporter, but one was elected at \$4.00 per day; and, I gave notice of a reconsideration; done no other business of importance

MARCH 1859

Tue. 1, — Argued my motion for a reconsideration, and made a rather sever [sic] speech⁵⁶

Wed. 2, — Dr Duncombe, presented his credential's as Member elect from Sacramento Co. the House took his certificate and referred, it to a Committee on Election's and refused to swear him in, *most unprecedented*; came home Sharkey and Rumsey, came down with us and played poker until late; came out even

Thu. 3, — At the House consumed most of the time in discussing the adoption of the Minority Report of the Committee on Election's in the Duncombe Case, adopted it;⁵⁷ was sworn in as an Attorney in the Supreme Court; was examined by Justice Field,⁵⁸ came home and had a good time with [the]

Ladies in No 8, in the evening went to the Orleans to a dance; took Miss Julia Payne.

Fri. 4, — At the House; they reconsidered the vote of yesterday in the Duncombe case and refused to adopt the Minority Report. I then made a motion that he be admitted and spoke at length upon my motion it was made the special order for to-morrow came home; the ladies curled my hair; went to the Legislative Ball; took Mr's Jackson, had a fine time, Met Julia[,] Mr's Laird &c.; thought of Elida as it was at the same place where I first met her⁵⁹

Sat. 5, — Arose late feeling rather dull Attended the House, but done nothing much except to hammer away up[on] Mr. Aud's Divorce Bill. ajourned early and I came home; laid down a little while and in the evening we played poker all night; Burdick[,] Col. Whiting[,] Jim[,] John & Myself, I win \$58.00

Sun. 6, — After breakfast went to bed and slept until noon, during the afternoon remained home and in the evening had a number of visitor's, Hodgdon[,] Dr Duncombe & other's; went with Hodgdon and called upon his lady; came home and spent an hour in the parlor with the ladie's; Miss Hieffert[,] Mr's Kenzie & Mr's Glover sang. had a good time with them

Mon. 7, — In the House done some considerable business went through with the general file for the first time; I made my speech upon the Usury Bill; Miss Beach & Miss Fern were both there; in the evening went to the Alleganian's,⁶⁰ took Mr's Lamott had a first rate time; came home and went to a free and easy, in the dining room

Tue. 8, — Done nothing much except having a fight on the Duncombe matter, and on this we had a hell of a time; got shut off with the previous question took Miss'es Beach & Fern over; in the evening had a good time in No. 8. Dr Duncombe came down to see me and had a long and interesting talk with him.

Wed. 9, — The outrage of yesterday was consummated to day by Rober-son's moving to reconsider and then moving the previous question without sitting down; which was sustained and the whole matter ended; went home pretty early and pasted up my book, spok[e] on the Sunday law — in the evening had a fine time in No 8

Thu. 10, — Made a few remark's relative to Official Reporter; refused to vote on the school law; — went down and bought some clothing and then went home, and spent the afternoon and evening in the same style having as good a time as men generally have eat and win a phillipoenae

Fri. 11, — Attended at the House, did not do any business of importance; came home early went to the Orlean's wrote two letter's for Mr's Kennedy; called on Mr's Haye's with Julia; came home and spent the evening in the parlor; had some singing; some Larger &c and had a good time

Sat. 12, — Done nothing of much interest in the House; came home and done some reading and in the evening went with Mr's Glover to Miss Heiffert's

Legislative

SUBSCRIPTION PROMADE AND BALL.

Mr. & Mrs. Davis

The pleasure of your Company is requested at a BALL,
to be given at the

NATIONAL THEATER,

ON

FRIDAY EVENING, MARCH 4, 1859.

COMMITTEE OF ARRANGEMENTS.

JOHN C. BURCH,	Of the City.	EUGENE LEE,
JAMES BURDICK,	B. F. HASTINGS,	E. B. ELIOT,
C. E. THOM.	CHAS. T. LOTT,	MANUEL TORRES,
A. A. HILL,	Geo. W. ROWE,	ANDREAS PICO,
C. R. STREET,	MILTON S. LATHAM,	E. D. WHIELER,
E. F. BURTON,	H. R. HARTLEY,	GODEN SQUIRES,
F. L. AED,	PHIL. KOWARS,	J. B. LAMAR,
HUMPHREY GRIFFITH,	LELAND STANFORD,	SAMUEL A. MERRITT,
W. W. SHEPARD,	FERRIS FORMAN,	PHIL. MOORE,
M. B. DICKINSON,	H. L. NICHOLS,	M. KIRKPATRICK,
C. E. DELONG,	R. J. FIELD	WM. F. RODGERS,
W. H. PARKS,		W. W. COPE,
A. J. GREGORY,		W. F. DARCLAY,
ISAAC ALLEN,		A. S. HART,
R. A. REDMAN,		THOMAS RASPEYRE,
FRANK M. PIXLEY,		L. R. KETCHAM,
J. BERRY,		M. T. BROCKLEBANK, Chairman.

RECEPTION AND FLOOR COMMITTEE.

WM. F. RODGERS,	H. TOLER BOORAEH,
HUMPHREY GRIFFITH,	C. L. HUTCHINSON,
ALFRED REDINGTON,	A. A. HILL,
SAMUEL A. MERRITT,	J. P. ROBINSON,
FRANK M. PIXLEY,	M. T. BROCKLEBANK.

PROMENADE TO COMMENCE AT EIGHT O'CLOCK,

At which time Guests are requested to be present. DANCING at NINE o'Clock.

SUPPER AT TWELVE O'CLOCK.

room and *had a game of cribbage, after having a novel time in attempting to kiss her at the head of the stair's*

Sun. 13, — At Home; went down to the Depot with Mr Glover; who went up to Folsom; remained home during the day, and in the evening . . . had a most blissful time . . .

Mon. 14, — At roll call was on hand as usual, done no business Election Committe[e] reported on the Duncombe case; reced a message from Weller; relative to the Indian war⁶¹ and Col E J Lewis Esq.^{61a} — called at No. 8 . . .

Tue. 15, — Had a little fight on the bill of Cope's; to legalize acknowledgement's — returned home the house caught fire and we had a devil of a time. got it put out all safe. — *danger ahead an anonymous message*; determined to live it down; had a oyster supper and some; poker at Joe's with Whiting and Whealdon.

Wed. 16, — Left the House early to avoid taking any action on Hancock's Resolution's several other Douglass men done the same.⁶² knocked around town some; went home; called at No 8 and spent an hour . . . during the evening played poker and kept it up until morning win \$75.00

Thu. 17, — Slept awhile on the sofa; in the parlor and lost several pair's of glove's by so doing; attended the Recorder's Court for awhile to attend a little case then came up and spoke awhile on Pixley's Mineral Resolution's.⁶³ partook of the usual refreshment's.

Fri. 18, — At the House all day; in the evening played some poker, borrowed \$20 of Jim to commence on and came out some \$45.00 winner. paid borrowed money, and \$30 ahead on my board ac[coun]t with Thompson; before playing called at No. 8 and had a good time

Sat. 19, — Was in the House after waking up and finding a big rag baby in bed with me and bottle's and brushe's without number. Jim went up to Mary'sville; Insane Asylum bill was beaten; Aud gave notice to reconsider;⁶⁴ returned home and spent most of the evening at home and in No 8. . . .

Sun. 20, — Got up too late to take the boat; hired a two horse buggy of Frank Malone, and taking Barney McCahill on board I went up. had a fine ride got to Marysville about ½ past 2 found all excitement about the election and a duel on the tapis between Smith and McQuaid,⁶⁵ Smith was arrested; all hand's appeared glad to see me had a caucu's in the office. Jim reported the little Snow drop's as all right.

Mon. 21, — Arose early and went at it rained hard all day; and I waded through the mud terribly bet \$100.00 two pair of boot's and a hat. spent some time at Singer's; during the evening was out bringing return's and at last went to sleep on the sofa, after Annie had bathed my head; Singer ahead 164 vote's hurrah for the future; wet through but good spirited I went to bed.⁶⁶

Tue. 22, — Took the horse's drove around collected my money called at Singer's with Jim and staid until 11 O clock and started home [to Sacramento] by the way of Yuba City got lost and had a devil of a time wading slough's and swimming creek's, but got home about dark; had a good time in

No. 8. — was cordially met on all hand's[,] the women and men all in fine spirit's

Wed. 23, — On hand and attended to business until about 2 O clock then went home and done some pasting in my scrap book. — Insane Asylum, bill was lost during my absence; in the evening went as usual to No 8 — and then went up in my room and played poker until about 3 O clock, win about \$40.00. had a long talk with John about politic's

Thu. 24, — Had a busy day in the house, loaned Jim \$60.00 [?] which made 100.00, spent the rest of the day in general business wrote several letter's. in the evening remained home and *enjoyed myself as usual*

Fri. 25, — Tried to ajourn over until to-mor[ow] at 9 O clock, and then when we ajourned ajourn to meet on Tuesday at the usual hour; failed to obtain a passage of the measure but succeeded in ajourning to meet at 9 to morrow retired early.

Sat. 26, — Met at 9 done some general business in a hurry, and ajourned at 11 took the steamer Oakland⁶⁷ in Co with Jim, John, & Fuller and a large number of other's bound for Oakland; played poker on the way down with Senator Parker; Mr Jackson & Murray of San Luis Obispo, win about \$25. arrived at San F got supper & run around a little and then put up at the Metropolitan⁶⁸

Sun. 27, — Went across the bay on the Oakland to Oakland was met by the citizen's and horse's and carriage's furnished to us to drive all over town;⁶⁹ took a long ride with Jackson, then Joined Gov McDougal⁷⁰ and the Sheriff and went out to San Leandro to Pixley's and staid all night had a fine time in the evening;⁷¹ we had a champaign supper and enjoyed ourselves hughly and in fact we had so spent the day was introduced at Mr Van Voorhies by the Ex Gov

Mon. 28, — Arose early and came to San Francisco with Gov McDougal. found Jim who had not been over. at 4 got on board of the Queen City⁷² with a tremenduou's crowd and came up [to Sacramento] no chance for a state room so we went to playing poker, Johnson of Sierra, Crenshaw [of Mariposa and Merced,] Howe of Tuolumne; & Vaughn of Sutter win \$42.50 & got home about 1 O clock —

Tue. 29, — Went to work upon reconsideration's mostly; the Mob Bill was up and I spoke on it;⁷³ also spoke on the Alturas Co bill⁷⁴ and beat the reconsideration. ajourned late; and then came home spent the *evening as usual* having a fine time all thing's going on well; the Bridge Bill was made the special order for to morrow

Wed. 30, — Pitched in and worked very industriously until late when the Bridge Bill came up and we had one devil of a time all efforts to postpone or amend were defeated; and finally it was carried and passed by a large vote. I gave notice of a reconsideration. — came home . . .

Thu. 31, — Made a long argument on the reconsideration but failed in my efforts; some other general business was transacted; Pixley made a buncombe

speech, the house ajourned and he spoke afterward;⁷⁵ a *disgraceful scene*. came home went out on a walk with Mr's Glover and afterward went home with Mr's Bedford; . . .

APRIL 1859

Fri. 1, — On hand at roll call, remained in session until late passed the school Bill &c — so in the evening attended the Judiciary Committe[e] found no quorum and left came home and remained in the parlor. had an oyster & champagne supper, to bid farewell to Mr & Mr's Kenzie who leave tomorrow.

Sat. 2, — Reconsidered the School Bill and defeated it strange proceeding. done some other general business. came home and remained during the evening; the Lecompton's ha[d] a meeting of their Committee and adopted the Baldwin & Melony & State Platform test.⁷⁶

Prospect's are brightening begin to feel myself of some consequence on this sublunary sphere. —

Sun. 3, — At Home all day; spent the most of the day in No 8. the day was beautiful and fine; in the evening went out and took a walk played some billiards &c with Mr Glover; came home bought a fob chain for \$45.00 played poker until nearly morning win about \$75.00.

Mon. 4, — We[n]t to work in the House and worked hard all day came home and spent the evening as usual — had a fine time in the parlor and in No 8. left the House the most of the day to give them a chance to pass the El Dorado Wagon Road Bill.⁷⁷ Jim sick and John in bed asleep

Tue. 5, — Worked at general business, until the special order the Division of the State came up then had a long confab on that which lasted until nearly night. finally passed I spoke against it.⁷⁸ came home and had a devil of a time I wanted to go out calling but was prevented. had a good time as usual — B R —.

Wed. 6, — In the House done hard work and a good deal of it until the Special order came up the El Dorado Wagon Road Bill I pitched in on that heavey; passed our amendment's by my getting Caldwell to change his vote and then beat the bill had a devil of a time, a *great triumph* passed the evening as usual in No 8 —

Thu. 7, — Motion to reconsider the Wagon Road Bill made the Special order for Tuesday next. worked until pretty late, Dunbar of Timbuctoo came down, in the evening went to the Metropolitan and saw the play of Sybil the Kentucky Tragedy; also Miss Mandeville danced.⁷⁹ came home late and retired.

Fri. 8, — Raining this morning like thunder; had a very busy day attempting to pass the Supreme Court Clerk Bill, also Senate Bill No 82.⁸⁰ went to the Governor's and took dinner with Senator Garter[,] Lansing and several other's; came home pretty late

Sat. 9, — Had a busy day in the House on the Bill to pay Crussell and other's also another tilt on Senate Bill 82 the Speaker signed as correctly

enrolled and passed and we then reconsidered the vote; and tried to get in a Resolution of information to the Governor and failed Lamar[,] Bank's & Myself then waited upon Weller at home during the evening; Doll & Clark came down

Sun. 10, — Arose about six and went down the back stairs on business, remained there an hour or two, — Staid at home during the day and had a fine time talking playing school &c. in the evening wrote some on a valedictory speech, and played card's; seven up win about \$5.00 went to bed rather late, the weather cool.

Mon. 11, — On hand and done some considerable business, went down and had some dauguerreotype's taken; bought some ticket's and went to the Theatre with Cope and saw Stark play Ingomar;⁸¹ got on a sort of a tight with Jo Scoby and other's and went home in a merry mood; then set up until morning and played card's come out about \$15.00 winner

Tue. 12, — On hand again and remained during the most of the day; Barbour's claim came up for adjudication and I made a speech on it. went home early in the afternoon. went down to No 8. — went to the theatre in the evening and saw Anderson play the Lady of Lyon's.⁸² took Mr's Glov[e]r and had a fine time

Wed. 13, — Busy day in the House to day reconsidered and then defeated the Homestead Bill⁸³ and other matter's — came home early feeling sick; took a walk alone and returned and took a walk with Octa; had a crying spell; came home went to No 8, and reclined on the sofa — feeling unwell. Had a joint Convention on the Insane Asylum busines's

Thu. 14, — Went to work and done a good deal of business, made an expose on the Bill No 82 and was replied to by Stratton; made a speech on State Prison matter's Weller present. Came home early, took a long walk Mr & Mr's Thomas, and Mr's G. and myself, came home went and got an oyster supper, . . . had a great evening taken altogether one of the greatest out; gave Mr's Glover a young dog

Fri. 15, — Had the busiest day of the session, a nine hour stretch without eating or drinking defeated the Revenue Bill &c; More and Wickersham and all the rest in town took a ride in the evening with Wick; . . . went up to Joe's and played card's until morning, lost \$43.00.

Sat. 16, — Another busy day for awhile but; ajourned early on account of the Senate's having ajourned and thereby stopped us from doing business, great time's the two House's at a dead lock.⁸⁴ — took a ride in the evening again with Wick, went and saw Slingerland spent the evening at home, reclined on the sofa. — went out and got some oyster's with Thomas.

Sun. 17, — Spent the day at home. took dinner with John Hatch, and after dinner went up with him and Caldwell to see Jim found him shaking like a good fellow came home again read pretty hard. — The day beautiful and pleasant. was visited in my room by my angel, who had stolen from her keeper.

Mon. 18, — Had a busy day in the House, a struggle for time on ajournment; Gwin & Broderick both on hand,⁸⁵ came home early, took a nip in my room, & then went and called on Broderick & Gwin with Judge Caldwell; came home and spent the evening had a devil of a time got scared out of my room and finally took it out at the head of the stair's

Tue. 19, — Had a devil of a time in the House, led off in a speech against a vote of thank's, to Stratton was followed by Fuller, Pixley, Street[,] Laspeyer and other's; then had lot's of fun and ajourned sine die; Stratton delivered an inferior valedictory[,] afterward made a little speech in which he made and [sic] indirect attack on Broderick.⁸⁶ came home and pasted in my scrap book,

Wed. 20, — Worked hard during the forenoon in pasting up my scrap book; and at 5. went up to the St George's and dined with Gen Reddington, Broderick[,] Conness &c,⁸⁷ about twenty five present. then came down home; went up to Jo's with Whiting & Whealdon and played poker. came out \$30.00 winner. John now owe's me on gambling \$75.00

Thu. 21, — State Central Committee met I was appointed Secretary.⁸⁸ reced from Presbury the proxy of G W Bloor, had an enthusiastic time was appointed Chairman of the Committee on Resolution's ajourned and met in the evening appointed a public meeting for to-morrow and ajourned.⁸⁹ in the afternoon reclined on the sofa —

Fri. 22, — Attended the meeting in the billiard Saloon in the Union Hotel had a fine time done no business;⁹⁰ remained at home the most of the day packed up my thing's. in the afternoon; and in the evening. — in my room up stair's, went to bed and got up again for a while to keep the ladie's company in the parlor. returned book's to the State library,⁹¹ and had a long talk on general subject's with Judge Field; in his office⁹²

Sat. 23, — Spent the day in preparing to leave; called at the Orlean's[,] Mr's Jackson's, and Mr's Hatches in the afte[r]noon *spent a happy hour* in the rear of No 8. in the evening went out shopping and walking with Mr's G. — and in the evening reclined on the Sofa in No 8, and had an affectionate adieu, with all of the folk's. — Conness & Redding called in the evening settled up with Thompson

Sun. 24, — Arose early, waited upon Mr's Glover and Bedford on board the car's and got on the boat with Jim[,] John, Caldwell, Sheriff Plum and other's and came on up [to Marysville]. played poker and win about \$20.00 in the evening called at O H Pierson's with Caldwell and Jim spent a very pleasant evening

Mon. 25, — Attended the District Court; had nothing in particular to do; announced myself as a candidate for the Senate;⁹³ heard that Allen[,] Fuller, and Benham were out against me. in the evening called at Judge Singer's with Jim found the family well and as kind as usual. — Jim out for Sheriff against Barrett. John went up home.

Tue. 26, — Spent a portion of the time up at the Court had a pretty

good time; went around and saw the most of my friend's electioneering going on pretty lively on all side's. — Attended the Odd Fellow's celebration, Ely delivered the lecture and done well. in the evening attended their Ball and had a good time⁹⁴ the [Singer] girl's exceedingly kind. Jim's chance's in *that quarter exceedingly dubious in my opinion*

Wed. 27, — At home and at Court felt as dull as thunder. would have given all I possessed to be back in Sacramento at the Casco for an hour, Jim and I in the office during the evening and both of us blue and homesick; oh if my thought's had toungue's and toungue's were telegraph's, well I only want to know how long it will take for me to get over this

Thu. 28, — Attended Court in the morning the case of Wahl vs Hesser on note tried and judgement in our favour, Slingerland drew check for me \$500.00 of Mark Brumagim & Co; the weather cool electioneering pretty busy; Allen out and Fuller also. had a long chat with Allen Jim went around to see the Ladie's

Fri. 29, — Attended Court in the forenoon Slingerland went up. Newel Winant's came down. run around town with him during the afternoon and evening. the weather quite cool until late in the afternoon when it turned off quite warm. saw Miss Annie on the street but did not accompany her home. Benham not out for Senate ha[d] long talk with Allen, he come's off if I will go for a certain measure went up to Pierson's with Jim & Allen

Sat. 30, — Attended Court got the case of Augusta Winant's vs Alvin Winant's set for Monday at 2 Oclock. read some during the day; Frank Cannon came up from Sacramento and brought me new's from the Ladie's at the Casco; forgot my bouquet, bought for me by Mr's Glover; in the evening had a long talk with Whiteside's on all matter's political and otherwise. loaned \$480.00 to Judge S M Bliss —

MAY 1859

Sun. 1, — Went to the Episcopal church in the forenoon with Johnson, heard Rev Mr Taylor preach upon the duties of a Minister was rather severe upon the Ministerial fop's & Lounger's.⁹⁵ reced a bouquet by Express from Mr's Glover also a letter in *our alphabet*, partly wrote an answer, Newel Winants spent the evening with me had a long chat; reced a letter from Dr Groves; & Schanck *Mourned for my absent one, felt lonely indeed*

Mon. 2, — Went to Amy's and got a Flora to interpret her bouquet; *pretty good, some bad*. copied complaint in case of Wahl vs Hesser; John up. in the evening went around to Judge Singer's found the Ladi[e]s gone; and then went to Mr Pierson's and had a good time playing card's and telling fortune's with the Ladie's. —

Tue. 3, — Case of Winant's vs Winant's referred to George Gohram, [sic] to take testimony he took the same and we submitted the case; called at Judge Singer's during the day; in the evening joined the Warren Engine Co No 4. *became a fireman*⁹⁶ after drinking and talking awhile with the boy's; went to a May Party, and had a fine time dancing, &c —

Wed. 4, — Attended at the District Court during the day, buzzed around a little politically, and in the evening went with Mr Winant's and spent the evening at Judge Singer's played card's told fortunes &c, invited the young ladie's to attend the theatre to-morrow evening. sent a mystical letter to Mr's G at Folsom; —

Thu. 5, — Obtained a Decree of Divorce in the case of Augusta Winant's vs Alvin Winant's Called at Judge Singer's The ladie's declined attending the Theatre; spent the afternoon in running around town &c, the ladie's busy in getting up a pic nic I invited Mr's King to attend with me,

Fri. 6, — Arose early the day blustering a large party assembled and we went out to Seymour's Ranch on Feather River⁹⁷ took out Mr's King & Sarah Pierson; made the acquaintance and had quite a flirtation with Miss Seymour, a cross eyed beauty spent the happiest kind of a day returned home, went to the Theatre and saw Mr's Estelle McDonald play Lucretia Borgia⁹⁸

Sat. 7, — Eddy, Elwell, John Whealdon and a number of the other boy's down, buzzing about politic's, commenced some suit's for Riley Lane against some men for shooting his stock, done a little other business, in the evening went to the theatre and saw the play of Adrienne the Actress, a good play but played poorly.⁹⁹

Sun. 8, — Attended the Episcopal Church, Mr. Talyor [sic] preached from Psalm's, "bring me near unto the rock that is higher than I" had a long walk and political talk with L B More in the evening again attended the Episcopal Church, and then went down town played some billiard's and got on a sort of a train with some of the Warren's run pretty late and went home feeling pretty high.

Mon. 9, — At Home all day done no business much was consulted on a mining case by some boy's[,] Haggerty & Co from Sucker Flat; Tom Grennan was down ran around a little with him set up pretty late talking over old time's, and then retired, thought of *my Sacramento adventure with feeling's of longing anticipation*

Tue. 10, — Drew up and filed answer in the case of Clarke et als v's Haggerty et al's, attended a little Replevin suit before Singer for E. C. Haswell; got it continued for fifteen day's, was very busy and worked hard all day; in the evening went up to George King's and played whist with Mr & Mrs Whitcombe Gus Lewis down had a long talk with him; *and as I write I think of Sacramento*

Wed. 11, — Done absolutely nothing to day; had a good many call's one from Judge Dame he read me some letter's relative to a female affair of his. wrote a letter to Broderick & one to Bracy; Gus Lewis spent some time with me went in to see the huge Boa Constrictor in the evening went to Judge Singer's and spent the evening found John McQuaid there played card's &c and came on home

Thu. 12, — Done no business much during the day; had a good many call's[,]

gave some advice &c; done a little political financering; in the evening called at Mr Pierson's and had a game of card's with the ladie's and young Mr Warfield

Fri. 13, — Spent most of the day at home, done no business much; prepared a bouquet to send to and wrote to Mr's Glover, reced a letter from her; Elida Vineyard an[d] her Mother arrived from below;¹⁰⁰ attended a Ball at the Honcut went out with Mr Campbell, danced until about 1 O clock, and then returned got lost &c but finally made home.

Sat. 14, — Called at Mat Wood's and met Elida & her Mother; remained nearly all day found Elida changed some in person but the same in nature; in the evening went and took a long walk with her. Filed Petition for letter's of Administration for Bridget Curren; set up late translating a letter from Mr's Glover.

Sun. 15, — Went up to Park's Bar with Elida[,] Mat Wood's, Nelly, and her Mother had a pleasant day of it; returned after night had a long talk over all the past and the future; *talked everything and made arrangement's for the future*; all settled

Mon. 16, — Bliss did not come in and therefore I remained in town went up and spent a portion of the day with Elida done some little office business and in the evening went with Elida and saw the Minstrel's; Elida looked beautiful; got some cream and set up with Elida until about one O clock had a good time.

Tue. 17, — Went up to Sucker Flat, Smartsville and Timbuctoo with Judge Bliss had a beautiful time drank lot's of whiskey, saw all the boy's and found them all right; came home after dark; stopped at Bridge's and had some fun with song's & recitation's got home late, found John Leavitt and [he] remained with me all night

Wed. 18, — Got ready to leave town but concluded not to do so until tomorrow; done no business; very warm during the day; spent the evening until very late with Elida came home & laid down on the sofa so as to rise early

Thu. 19, — Started about 5 Oclock, on horseback, rode out as far as Zabriskie's and then fell in with George McHardy, rode up with him as far as Foster's and from there went up to Camptonville got there about dark stopped at Napier's saw all the boy's was received first rate felt highly flattered by my reception

Fri. 20, — Remained in Camptonville until about 10 O clock then went to Galena and Young's Hill's; saw all my friend's and found many of them; returned by the way of Camptonville; my friend's rallying to beat Peck for me came down to Foster's saw John West; at first he was offish but came out friendly & promised to come down to Convention. Came on up to Oregon Hill and staid all night

Sat. 21, — Went up to Bob Stroud's, with John Gattan's & Burns came down again, had a long talk with Peter & John Collin's; and arranged for them fixed up the two place's for Whiteside's; left with Dr Cannon and came over & stopped all night with the Irish boy's at their ranch near Dobbins's a general coolness seem's to prevail on the part of the Irish toward's me

Sun. 22, — Left & came by the way of Indiana Ranch to New York Flat; stopped all night at Mr Eddy's; went up with John & called on Mary she came down & staid all night we had a dance in the first of the evening, and then we had a solo . . . the weather changed materially turned cool and rained; thundered some

Mon. 23, — Arose and got off pretty early after bidding all hand's an affectionate farewell a heavy mist almost wet me through on the way down, stopped at Frenchtown[,]¹⁰¹ saw Mr Darneil, saw Wood's at Toll House¹⁰² got home about dark, went with Elida and saw Miss Avonia Jone's play, in the peer & the peasant.¹⁰³ went to a saloon and then home.

Tue. 24, — Attended the Court of Session's in the case of the People vs Wilhelm Leon, for the Deft, charge Grand Larceny jury disagreed and were discharged & a nolle prosequi was entered, spent the evening again with Miss Elida came home in pretty good season, and then run around town with some of the boy's, went to bed a little tight

Wed. 25, — Attend[ed] the Court of Session's associated with Aud & McCarty in Defense of Archie & Victor Boley charged with Highway Robbery occupied all day in the trial could make no defence, and both found guilty & plead guilty to several other indictments in the evening attended a little Replevin suit for a Mule before Singer, Imhuff vs Haskell, for Dft. lost the case. set up late with Roger & John Gattan's explaining the past

Thu. 26, — In the forenoon called upon the Miss Singer's had a pleasant visit; in the afternoon, attended the Court of Session's listening to the trial of Bluxom for Arson, and in the evening went out with Miss Elida on a walk; remained a short time after returning home and then came home

Fri. 27, — Done no business during the day in the afte[r]noon Jim came up in the evening went to the theatre with Miss Elida & saw Miss Jones play Sybil;¹⁰⁴ was presented with a very fine shirt by her; had an alarm of fire and a run the first one since I was a member. Miss Annie was at the theatre

Sat. 28, — At home but done no business much; in the afternoon to[ok] a walk with Annie to her home; had a little conversation; attended for a few minute's the organization of a Dashaway Club¹⁰⁵ at the Warren Engine House;¹⁰⁶ went up and saw Elida awhile and then went to a Jew Dance and remained until late. —

Sun. 20, — Spent most of the day writing in my office making out a scedule in insolvency for Mr Sherman in the evening went up and called upon Miss Elida; went out and had a walk got some ice cream &c and then went home and had a devil of a good time with her

Mon. 30, — Wrote some letter's up country found that Benham was out against me; and that Sharkey was working for him. done some buzzing politically thing's look squally, went up and saw Elida a short time in the evening

Tue. 31, — At Home worked some on my schedule wrote some more letters &c; reced a letter from Octa also one from Brown, Mr Sloss & a docu-

ment from Broderick, wrote an answer to Octa but did not finish it, had a devil of a time buzzing politics; went out to Judge Blisse's with Flattery, got some strawberries; went and saw Elida a short time in the evening and then came home and went to work

JUNE 1859

Wed. 1, — Finished my letter to Octa; had an alarm of fire and a run early in the morning; done some arranging with Presbury[,] Gohram [sic] and other's relative to selecting Delegate's. Wrote some on Sherman's Schedule and continued at it until late then went to bed finished my letter to Octa alias Constance and forwarded it

Thu. 2, — At Home all day went home with Elida Saw Annie in the Street; went up into the Court room heard an alarm and had a race to the fire; no damage done played some; then went back and remained an hour or two, with Elida She went up to Park's Bar;¹⁰⁷ I came home done some work electioneered some and then retired, found I had some friend's

Fri. 3, — Done nothing particularly during the day wrote some; reced a letter from Polly; wrote part of an answer; Slooman came in to see me and fixed up a Delegate from Landis House Saw Bliss and had a long talk with him came out of it all right; in the evening called at Judge Singer's had a long chat with the girls got bored[?] like thunder cold windy blustering night

Sat. 4, — Spent the day at home attended to a little busines's done some electioneering in the afternoon went up to Park's Bar with N E White-side's; got supper; Col & Carry went to bed and Elida and I sit up late had a *devil* of a good time, road's dusty and weather hot.

Sun. 5, — Got up too late to take the Stage and remained all day, spent a very pleasant day; Col had lot's of persons call on him also a client who had some business which I agreed to go and attend to to-morrow Walked out in the evening with Elida Col & Carry retired early, . . . an angel appeared in a state [page torn] my dream's, oh such a [page torn]

Mon. 6, — Arose early took a horse and went to Sharon Valley to attend a suit of King v's Woodson & other's for Dft. replevin for a train of mule's found Lockwood associated with me, and Buckley for Pltff. got the action dismissed on a non-suit, started back, and got home before dark. 56 Mile's ride. pretty good. My angel reappeared as before and I dreampt she embraced me

Tue. 7, — Arose early got breakfast took the stage and came down with Elida had a fine ride. pitched into electioneering got out a ticket for the 2nd Ward with Pickersgill and other's on it and run it through like snuff against all opposition the other ward's went very satisfactory consider myself victoriou's over my host of enemy's.¹⁰⁸ went into jail to see Skelton who was in for forgery

Wed. 8, — Knocked around town kindly loose, found all of the defeated delegates attributing their defeat to me. Got a little tight and felt like thun-



SONORA, TUOLUMNE COUNTY, 1857
From a lithograph by Kuchel & Dresel. Courtesy of California State Library.

der reced a gloomy letter from Mr's G; . . . went up and called on Elida she bathed my head and brought me out all right. Wrote some on Sherman's schedule then went up to Singer's, walked out with [page torn] cream and a long talk [page torn] draw off to me

Thu. 9, — Done some more work on my Sherman case; went up and saw Elid[a] a short time; started for the Oregon House to Convention with Harry Leland, Gen Rowe, S B Mulford, Owen's[,] McGuire, and Capt Campbell; went up as far as the Abbott House & took Supper; and then went on up to the Oregon House and staid all night

Fri. 10, — Convention assembled early; the nominating was done rapidly; I had a single handed fight against a combination of men & money; I did not have a single particular friend or a dollar to spend; but I was nominated the first ballot; over D C Benham for Senator; I received 45 vote's to his 32, Slingerland for Sheriff, Singer for Judge, Moore, for Collector; Sharkey for Clerk, Gohram for Recorder, King for Treasurer; Ackley for Assessor; returned home; rather fearful of the future but triumphant in the political fight.

Sat. 11, — Done nothing but run around town, prospects rather dark, the Administration men boasting of an easy success; a good many malcontent's in my own party; and a thundering sight of growling and dissatisfaction especially amongst the friends of the defeated candidate's for Sheriff and District Attorney. called on Elida during the day and also in the evening; and remained with her pretty late. Whiteside's Defeated;¹⁰⁹ and the Admin gone for J B Weller

Sun. 12, — Spent the forenoon in writing for Sherman finished his schedule; done nothing particular during the balance of the day and in the evening called, on Elida as usual, and remained with her during the evening had a pretty good time

Mon. 13, — Arose early took the boat and came on down to Sacramento found all the folk's *well and truly lovely*; Miss Clara in particular had changed apartments; tried the new one's twice. called on Mr Broderick¹¹⁰ saw a great many other gentlemen of my acquaintance. spent the evening at home — kiss in the night all unconsciou's to me

Tue. 14, — Crowd commenced gathering in from all over the State all appeared somewhat hopeful of success; called on Miss Julia and found her quite unwell; calld on Miss Jackson, found her as well as over spent the evning at home Tucker with Clara & me with Mr's — had some wine and a devil of a time

Wed. 15, — The weather as hot as thunder; the Convention called to order; Fitzsimmon's of Placer President Pro Tem; appointed our Committee's & ajourned. knocked around town during the day; in the evning remained home and had a fine time; . . . oh what a country; the weather is so hot

Thu. 16, — In Convention nearly all day the weather as hot as the devil; nominated a good ticket, ajourned and set again in the evening; Ridge¹¹¹ got beat for printer and we got mad as thunder; ajourned late in the evening, we are better off than I expected. today all work and no fun.

Fri. 17, — Convened again but few Delegate's present had a good time and ajourned in good order and good spirits.¹¹² returned home and spent the day had a fine time during the afternoon and evening had some wine on the balcony the weather as hot as thunder and blaze's

Sat. 18, — Another hot day called on Joe Philip's at Mr Hewell's[?] and took dinner; enjoyed myself hugely at home; tried on my fine fire shirt and inaugurated it in a novel way. in the evening ran until late with Mr Glover playing billiard's &c. Hade a fine time with Clara and Octa. Called on Mr Broderick. excitemen[t] about McKibbin & Coffroth's duel.¹¹³

Sun. 19, — Staid home almost all day, called on Miss Julia Kennedy in the afternoon and then on Mr Broderick. had a pleasant time of it, and then weakened just in time to prevent remaining too long. went up town with Joe and had a fine time came home and had some wine and a long talk on the balcony. saw Col Vineyard,^{113a} and other Delegate's

Mon. 20, — Stole in and bade good bye to morning slumber's; came up with Slingerland on the boat; the weather as hot a's double banked Hell, arrived at dusty Marysville; called on Elida; then went down town and took dinner with McKorkle;¹¹⁴ spent the evening with Elida and came home and wrote a lot of lett'r's up country. *Hot oh Mose's*

Tue. 21, — Hot day, Spent most of the day in electioneering, a good deal of dissatisfaction amongst the Lecomptonite's. — spent a portion of the day in company with Judge McCorkle; planning out the campaign. spent the evening with Elida; had an alarm and a good run, returned and staid with her until late. reced a telegraphic dispatch from Sacramento Allah is great and so is his prophet 2 Ladie's

Wed. 22, — The most unendurably hot day of the season; thermometer 114 degree's in the shade on the brick Station House. telegraphed back "*you bet*" felt very unwell from the heat. in the evening called on Elida and she cured me with ice on my head. set up very late and had a devil of a time on the porch the night as hot almost as the day. 100 Degree's by candle light

Thu. 23, — At Home all day done a little electioneering in the evening called at Judge Singer's staid only a few moment's; Annie away from home then called on Elida and spent the evening commenced it with a pout but ended it pretty well; remained until late. hot as thunder 110 Degree's at the Gun Shop. Latham nominated for Governor, Lecom's down in the mouth¹¹⁵

Fri. 24, — Some breeze but as hot as hell, 107 in the shade and blowing quite a gale. Elida came down town shopping & I went home with her she was ordered back to Tejon but subsequently the order was countermanded. Spent the evening with her; had an alarm of fire a big run and a race home with the Engine, made me very sick went back to Elida and she bathed my head promised to see her father to-morrow

Sat. 25, — Spent the day as usual electioneering some had Bliss & McCorkle at work for me with Mott & other's. the weather much pleasanter Spent the evening with Elida and had a devil of a time, remained until pretty

late. Politically I do not think my prospect's look first rate; the weather more pleasant and quite a breeze blowing

Sun. 26, — Commenced boarding at the Merchant's Spent a portion of the forenoon there, then reced a line from Elida and went up and spent most of the day with her; in the afternoon went around town a little with a Mr Stewart & friend of Downieville,¹¹⁶ went over the Bridge with Bryant then spent the evening with Elida and had a devil of a time; very windy & quite cool

Mon. 27, — At Home during the day in the evening went up to Mat Wood's and found Mr & Mr's Vineyard there, fell into conversation with the Col, told him I loved his daughter and obtained his consent to marry her whenever circumstance's would warrant it — the old folk's retired and Elida and I had the evening to ourselve's and we put it in to a good advantage in the way of enjoyment. she gave me a ring, as an engagement ring¹¹⁷

Tue. 28, — Spent the day at home, called during the day and in the evening on Elida; had my Ambrotype taken; found that she had to go and made the best of it; the Old man and I had a long political chat; he tried to committ me to Gwin;¹¹⁸ Elida and I remained up until very late, and had some fun, but a very affectionate farewell reced a letter from Constance alia's Octa.

Wed. 29, — At Home during the day felt lonesome owing to the absence of Elida, but spent the day in writing letter's and talking politic's; Burdick & King of Downieville were here; had a long chat with McKorkle have high hope's of winning my race in the evening Burdick & King here, talked with Burdick about his love affair; wrote to John Collins and Octa —

Thu. 30, — Spent the day at home actually doing nothing wrote a letter to *Constance*. had several visitor's and a good hearty scuffle with Judge Bliss. in the evening called at Dr Pierson's and staid until about nine O clock. came out & took some cream with McKorkle, and Mead and then came up in my office took a short smoke & read and am now about turning in; *feeling very lonesome*

[TO BE CONTINUED]

NOTES TO THE JOURNAL OF CHARLES E. DE LONG FOR 1859

1. The Orleans Hotel (See Note 120, 1857) was one of the most celebrated hotels in California for many years. It was located on Second Street, between J and K, Sacramento, and the first building under this name was a frame structure, brought out from New Orleans ready for erection. This building was destroyed by fire in 1852, but it was at once replaced by a three-story brick building, containing forty bedrooms, numerous parlors and a saloon which occupied the entire ground floor (50 x 80 feet). A large "billiard saloon" was added to the north side in 1853, and a wing to match was constructed on the south. At the time here in question, A. Pollard and J. R. Beard were the proprietors. (See T. & W., *Sacramento County*, 1880, p. 207, and Sacramento Directories of the period.)

2. See Note 293, 1858.

3. See Notes 22 and 71, 1858.

4. The Tenth Session of the Legislature of California, which convened on January 3, 1859, was made up politically as follows: *Senate*—Democrats, 25; Anti-Lecompton Democrats, 5; Republicans, 4; Independent, 1. *Assembly*—Democrats, 56; Anti-Lecompton Democrats, 16; Republicans, 8.

The Assembly was made up as follows (listed according to counties): *Alameda*—William P. Rodgers; *Amador*—W. W. Cope, John A. Eagan; *Butte*—Philip P. Caine, Frank

E. Cannon; *Calaveras*—James Burdick, C. W. Lightner, Charles E. Mount; *Colusa and Tehama*—H. W. Dunlap; *Contra Costa*—Benjamin S. Hines; *Del Norte and Klamath*—John Daggart; *El Dorado*—Alfred Briggs, William Coleman, George M. Condee, George A. Douglass, George N. Douglass, J. S. Tipton, Henry C. Sloss, Ogden Squires; *Fresno, Tulare and Buena Vista*—James M. Roane; *Humboldt*—E. L. Davis; *Los Angeles*—Andreas Pico, Henry Hancock; *Marin*—Manuel Torres; *Mariposa and Merced*—Geo. H. Crenshaw, Andrew J. Gregory; *Monterey*—Mariano Malarin; *Napa*—William B. Matthews; *Nevada*—William R. Armstrong, Christopher Cahalan, John Caldwell, Philip Moore, George A. Young; *Placer*—William P. Barclay, Philip Lynch, William C. Stratton, W. P. Wing; *Plumas*—Thomas B. Shannon; *Sacramento*—R. B. Ellis, Charles Duncombe, A. R. Jackson, James E. Sheridan; *San Bernardino*—G. N. Whitman; *San Diego*—A. S. Ensworth; *San Francisco*—James A. Banks, John W. Cherry, Albert A. Hill, Louis R. Lull, Jacob B. Moore, Frank M. Pixley, William W. Shepard, James M. Taylor; *San Joaquin*—G. C. Holman, Thomas Laspeyre; *San Luis Obispo*—Walter Murray; *San Mateo*—David W. Connolly; *Santa Barbara*—Eugene Lies; *Santa Clara*—J. P. Springer, E. C. Tully; *Santa Cruz*—Hiram A. Imas; *Shasta*—Charles R. Street; *Sierra*—James A. Johnson, Josiah Lefever; *Siskiyou*—William F. Watkins; *Solano*—Nathan Cutler; *Sonoma and Mendocino*—John Robberson, Joseph B. Lamar; *Stanislaus*—George W. Thomas; *Sutter*—C. L. N. Vaughan; *Trinity*—Fordyce Bates; *Tuolumne*—Samuel M. Buck, William Dow, Robert Howe, George W. Whitney; *Yolo*—Harrison Gwinn; *Yuba*—Francis L. Aud, Charles E. De Long, Mortimer Fuller, James S. Slingerland, John Whealdon.

The Senate consisted of the following members: *Los Angeles, San Bernardino and San Diego*—Cameron E. Thom; *Santa Barbara and San Luis Obispo*—Romualdo Pacheco; *Monterey and Santa Cruz*—D. S. Gregory; *Santa Clara and Alameda*—R. A. Redman; *San Francisco and San Mateo*—Gilbert A. Grant, T. G. Phelps, C. H. S. Williams, S. H. Parker; *Tulare, Fresno, Mariposa, Merced and Buena Vista*—Samuel A. Merritt; *Tuolumne and Stanislaus*—William Holden; Isaac N. Quinn; *Contra Costa and San Joaquin*—George W. Dent; *Sacramento*—Johnson Price, James M. McDonald; *Solano, Napa and Yolo*—Humphrey Griffith; *Marin, Sonoma and Mendocino*—Jasper O'Farrell; *Klamath, Del Norte and Siskiyou*—J. Berry; *Colusa, Shasta and Tehama*—Ephraim Garter; *Butte and Plumas*—A. S. Hart, Sylvester A. Ballou; *Yuba and Sutter*—Isaac Allen, E. D. Wheeler, W. H. Parks; *Nevada*—E. F. Burton, Christopher Lansing; *Placer*—J. H. Baker, James Anderson; *El Dorado*—S. F. Hamm, W. B. Dickinson, Arthur St. Clair Denver, Isaac S. Titus; *Calaveras and Amador*—L. N. Ketcham, B. T. Bradley; *Sierra*—M. Kirkpatrick; *Humboldt and Trinity*—John C. Burch.

5. The Union the next day (Jan. 4) carried the following squib:

"A Legislative Act.—A bet was made yesterday morning, at the Capitol, between two individuals, one of whom offered to go a comfortable sum that the first member who would address the Chair, after the election of a Chairman *pro tem*, would be C. E. De Long, of Yuba. Some might suppose the odds to be rather fearful, but the gentleman volunteering the proposition had been an occasional listener to the Legislative debates at the last session. As fortune would have it, immediately upon the selection of F. L. Aud as temporary Chairman, De Long jumped on his feet and moved the appointment of a committee to draft resolutions for the government of the House."

6. Assemblyman William C. Stratton of Placer County received fifty votes for Speaker, and was elected, De Long receiving eleven votes (those of Briggs, Caldwell, G. A. Douglass, Duncombe, Fuller, Jackson, Shannon, Slingerland, Sloss, Watkins and Wing), and Assemblyman W. W. Shepard receiving six. (J., 7, 8.) Stratton represented the Lecompton faction of the Democratic party, De Long the Anti-Lecompton faction, and Shepard the youthful Republican party. Stratton was later State Librarian, 1861-70. (See Note 91.)

7. Assembly Bill No. 2, introduced by John Whealdon, was entitled, "An Act to ascertain the indebtedness of Sierra County to the County of Yuba and to provide for the payment of the same."

A. B. No. 73, introduced by James Slingerland, was entitled, "An Act to ascertain the indebtedness of Nevada County to the County of Yuba and to provide for the payment of the same."

On March 19, the Committee on Counties and County Boundaries recommended the indefinite postponement of both of these bills, on the ground that the subject was judicial rather than legislative and should be determined by the courts under existing law. (J., 440.) On March 26, the Butte *Record* quoted Young, of Nevada County, as having declared that "the whole secret" of the motion to return these bills to the file was that "the popgun from Yuba was not present"—meaning, of course, De Long. Political language was "strong and virile" in those good old days.

8. The anniversary of the Battle of New Orleans (Jan. 8, 1815) was universally celebrated during this period. (See *Union*, Jan. 7, 1859, for an editorial on Andrew Jackson and his celebrated victory.)

9. Spurred by the assaults of Judge Charles T. Botts, of the Lecomptonite party (see Note 4, 1858) the Anti-Lecompton Democrats started the *Daily Register* as a vehicle for their side of the bitter controversy. One Houghton, a physician, furnished the lion's share of the necessary funds, and the editors were J. C. Zabriskie and William Barsman. The paper was published every morning except Monday until two days before the election in the fall of 1859, when it went the way of all flesh. (See T. & W., *Sacramento County*, p. 97.)

10. Senator Broderick's failure to maintain control of the federal patronage and his break with President Buchanan (see Notes 22 and 113, 1858) could not but aggravate the political difficulties of his California supporters, of whom De Long was one. Great was the speculation respecting Broderick's possible course, and a bitter struggle was foreseen, though its tragic climax in Broderick's death at the hands of Judge Terry at the close of the canvass of 1859 could not, of course, be envisioned.

11. This bill (A. B. No. 6) was indefinitely postponed by a vote of 46 to 21 on Jan. 26, 1859. (See J., 177, also Note 22, 1859.)

12. "*The Pride of the Market*," in which De Long had played with his "Thespians" at Young's Hill (see Note 97, 1856), was very popular at this period. It was produced at the Sacramento Theater in connection with a curtain-raiser entitled "Cousin Joe," Mr. Warwick taking the part of the Marquis De Volange, Mr. Coad that of Chevalier, and the Misses Adelaide and Joey Gougenheim those of Marton and Javotte, respectively. (*Union*, Jan. 12, 1859.)

13. The Second Annual Ball of the Sacramento Mutual Benefit Society was held in "Professor Heyman's Dancing Hall" in the Post Office Building at Fourth and K streets, and the Committee on Arrangements "pledged themselves" to make it a great success. Tickets (including carriages—a necessity during these muddy days of early Sacramento) were \$5.00 each (*Union*, Jan. 12, 1859). After the ball "a splendid supper" was served at the St. George Hotel, and the company then returned to the ballroom for more dancing, which kept up until "near daylight." (*Sacramento Bee*, Jan. 13, 1859.) "Professor" Heyman was the father of Katherine Ruth Heyman, noted pianist, and native of Sacramento.

14. The Vernon House was advertised in the *Union* for May 27, 1856, as "the spacious, elegant and commodious edifice" near the foot of J Street (Nos. 14 and 16). It was then ready for the summer season, and claimed "rooms unsurpassed for spaciousness and comfort," and "a pleasant and quiet locality" although convenient for boats and stages. Miss O. J. Clark was the "propriess" and continued as such at least until 1862. (See *Sacramento Directories* of the period.)

15. Alexander Brown was charged with robbing Spaniola's monte bank. Colonel Hatch, the District Attorney, argued the case for the people, and General Rowe was associated with John A. McQuaid for the defense. It was stated in the *Daily National Democrat*, Jan. 14, 1859, that McQuaid's argument was "ingenious." The Court of Sessions, composed of Hon. Charles Lindley, Judge, and William Singer and John Woodall, Associates, brought in a verdict of Not Guilty, but Brown was detained to answer an indictment in Calaveras County (*National Democrat*, Jan. 15).

16. i.e., Anna and Ada Singer. See Note 141, 1858.

17. Jenny Vineyard Hays, sister of Elida, was the wife of Dr. R. T. Hays, of Los Angeles.

18. See Note 220, 1858.

19. A. B. 25 had for its purpose the exemption of firemen from militia service, jury duty and liability to the poll tax. On February 28 its consideration was indefinitely postponed by a vote of 33 to 25. (J., 333.)

A. B. 26 was entitled "An Act concerning interest on money and to prevent usury," and it provided that the lawful maximum rate of interest on borrowed money should be \$15.00 on each \$100.00 per annum, and set up drastic penalties for the collection of higher rates. On January 26 the Judiciary Committee reported unfavorably, De Long dissenting at length (J., 169 *et seq.*) and on March 7 the bill was indefinitely postponed by a vote of 31 to 21. (J., 374.) On January 21 the *Alta California* remarked: "Mr. De Long, the juvenile representative from Yuba, despite his loquacity and arrogant egotism, is nevertheless an industrious and useful member, and honest and fearless in his support of good measures, as he is strenuous in his opposition to those which are corrupt. A day or two since, he introduced a bill for an act concerning interest on money and to prevent usury."

20. On this day the *Union* stated that the Irish comedian, John Drew, "who is highly spoken of by our brethren of the press in San Francisco" and Miss Georgiana Kinlock, "an actress of fair reputation" would appear in *The Irish Ambassador*. This was a two act comedy by James Kenney, first introduced in America by Tyrone Powers. The advertisement carried by the *Union* went the editor a little better and spoke of "the inimitable Irish Comedian" and "the talented Actress," who were to appear in "the elegant Comedy, *The Irish Ambassador*," followed by a farce entitled "Handy Andy."

21. Charles Duncombe was elected Assemblyman by the voters of Sacramento County

on the Anti-Lecompton ticket, but it appeared that he, though a native-born American, had taken the oath of allegiance in Canada in order to practice medicine there, and had also held public office in that country. The question therefore arose as to whether it was necessary for him to be renaturalized before again becoming an American citizen eligible to a State office. The majority of the Committee on Elections believed renaturalization necessary; the minority held the oath to support the Constitution sufficient to restore the rights of citizenship. (See the lengthy discussion of this case in the *Union*, Jan. 19 and 20, 1859, with full report of the debate.) The opportunity to eject an opponent from their midst appealed to the Lecomptonite majority, and Duncombe was declared ineligible, on January 22, by a vote of 50 to 26. (J., 156.) The next day the Assembly declared the seat vacant (J., 159), refusing to recognize the claim of George E. Montgomery, who had opposed Duncombe at the election. A special election was called and Duncombe was again elected, but was again refused admittance. (See Notes 51 and 57.)

22. De Long's minority report (J., 141-42) favored the proposal made in his bill (A. B. No. 6) to give the defendant the right to close in criminal proceedings. He stated that the bill was founded on the New York practice (N. Y. Code of Criminal Procedure, Sec. 5, Art. 460) and was the procedure in California until 1854. (See Note 11.)

23. This speech is reported in full in the *Union* for Jan. 20, 1859. De Long, of course, favored Dr. Duncombe's cause. He at first declared that he intended "to make no speech," but soon warmed to his subject and delivered quite an oration.

24. The St. George Hotel was located at the corner of Fourth and J streets, Sacramento. In 1856 or '57 the "Dawson House" had been erected at this corner, and is described in Irwin's Sacramento Directory for 1857-58 as an "elegant structure" of four stories, containing "two hundred sleeping rooms and thirteen parlors." (See Note 80, 1858.) This name disappears from the Sacramento Directories in 1859, and is replaced by the listing and advertisements of the "St. George." (See advertisement in the *Union*, Dec. 10, 1858.) The "St. George" still stands, and is now a workman's hotel and lodging house.

25. This bill "to grant the right to construct a bridge across Feather river" (A. B. No. 41) was introduced by De Long and was designed to give legislative sanction to John C. Fall and his group who had obtained control of the toll bridge between Marysville and the town of Yuba City, in Sutter County, and who had also recently bought out their only competitor, W. S. Webb, who had been running an "opposition ferry." In the Senate a bill (S. B. No. 47) had been introduced to authorize the Board of Supervisors of Sutter County to construct a bridge over Feather River and to levy a special tax therefor (see Notes 54 and 75), and it was claimed by the opponents of Fall's scheme that De Long introduced his bill solely to obstruct the passage of this "public ownership" plan. (See Minority Report of C. L. N. Vaughan, J., 181, in which he declares that this [De Long] bill would, if enacted, place the people of Sutter County "at the mercy of a heartless monopoly" to whom they were then paying \$40,000 a year in tolls.)

25a. Frank M. Pixley was one of the most picturesque of early California pioneers. Born at Westmoreland, Oneida County, New York, in 1825, he practiced law in Michigan from 1847 to 1849, coming to California on muleback across the plains in the latter year. He wintered on Weaver Creek, El Dorado County, and then spent three years in the North Yuba mines. In 1852 he opened a law office in San Francisco, shortly becoming District Attorney, young Lorenzo Sawyer, who was later Federal Judge, being his assistant and partner. In 1858 Pixley became a Republican and with Col. E. D. Baker became known for his oratory and zeal in the new party's cause. He was elected to the Assembly, and in 1861 was made State Attorney General. Defeated for renomination by the fusion of his party and the Douglas Democrats, he spent some time as a civilian assistant with General Grant, and in 1868 ran unsuccessfully for Congress, later being made U. S. District Attorney at San Francisco by President Grant. A long intra-party struggle with George C. Gorham and A. A. Sargent finally led him to eschew politics, and in 1877 he founded *The Argonaut*, making an instant success. For a time he also edited a tiny daily paper called *The Epigram*. He died in San Francisco, Aug. 11, 1895. (San Francisco *Call*, Aug. 12, 1895.)

26. Grace Protestant Episcopal Church was organized in the spring of 1850, and a church building was commenced during that summer on 8th St. between I and J, the lot and edifice costing some \$14,800. In 1859, the Rev. William H. Hill was rector. (Cutter's Sacramento City Directory, 1859-60, p. xvi.) (A view of the building will be found facing page 258 in Vol. IX of this *Quarterly*.) Of the festival mentioned by De Long, the *Union* for January 20 declared that "the ladies have been indefatigable in their preparations"; that a "bountiful supper" was to be served "free" to all who attended (at \$2.50 a head), and the Alleghenians (see Note 220, 1858) would entertain. On the next day the *Union* enthusiastically reported that the festival (the purpose of which was to help liquidate the church debt) had been "largely attended." It was held in Hamilton Hall on K Street, and the crowds "made promenading a matter of considerable difficulty," a "very large proportion of the wives and daughters of our most esteemed citizens" mingling with a crowd of politicians

from the Legislature. "The display of viands," the Alleghanians, and the booths presided over by "lady diplomats" (whatever that may signify) interested the reporter, who added, however, that he was "not able to learn what the proceeds were."

The Mrs. Lamott whom De Long escorted to the festival was perhaps Mrs. A. Lamott, the wife of one of the proprietors of the "Fashionable Hat Emporium," on J Street near Second. (Sacramento Directory, 1859.)

27. *The Marble Heart, or the Sculptor's Dream*, a "romance of real life," in five chapters, by Charles Selby, was first performed at the Royal Adelphi Theater in London, May 22, 1854. In the performance here mentioned, Mr. Stark took the parts of Phidias and Raphael, Mrs. Baker those of Aspasia and Marco, and Mr. Baker those of Diogenes and Volage. The *Union* reported that Stark was "establishing a reputation that is by no means of an ordinary character," and commended the entire company for its excellent performance.

28. Dr. N. J. Underwood, listed as a "physician and surgeon" in the Sacramento Directory for 1859, had offices on Third Street between I and J, and lived on N Street between 9th and 10th. He came to California from Virginia.

29. De Long's formal protest in the Duncombe case is to be found on page 159 of the *Journal of the Assembly*.

30. This was Assemblyman Shannon's A. B. No. 31, an Act to regulate the fees of witnesses in criminal cases. Mr. Pixley (see Note 25a) bitterly opposed it, on the ground that in his constituency (San Francisco) outlaw gangs would live off the county, one group committing petty thefts, and the rest acting as professional witnesses on a fee basis. So San Francisco County was exempted on Pixley's motion. Other motions for exemption were made and finally De Long moved that Assemblyman Shannon's own County of Plumas be exempted, which brought down the house and resulted in immediate adjournment. (*Union*, Jan. 26, 1859.)

31. De Long's Insane Asylum resolution provided for the appointment of a committee to investigate the operation of the Stockton institution (see Note 40), its financial affairs and any needed legislation relative to the institution. There had been considerable agitation throughout the State because of the cost of the Insane Asylum, and recently the feet of a patient, one John Brett, had been frozen while he was en route to the hospital from Sonora, amputation becoming necessary. This led to widespread discussion. (*Union*, Jan. 28, 1859.)

The Speaker appointed De Long, Moore of Nevada County, and Burdick, as the Assembly members of the Committee, but because of the failure of the Senate to adopt the measure a new resolution was introduced by De Long on the 28th. This was, by a vote of 37 to 34, referred to the Hospital Committee. The Joint Hospital Committee reported on January 31, exonerating the management of the Asylum, but a letter from Dr. W. D. Aylett, the resident physician, requesting a further investigation was received, and on February 1, De Long's resolution in a somewhat modified form was passed by the Assembly, and on February 2 agreed to (with a slight amendment) by the Senate.

32. *The Pope of Rome*, an "historical romance in six tableaux" by Dion Boucicault, was performed at Niblo's Garden in October, 1858, with Miss Agnes Robertson as Bianca Colonna. In the performance here in question, James Stark appeared as Cardinal Montalto (later Pope Sixtus V), Lewis Baker as Hugo, Mr. Warwick as Peretti, Mr. Thoman as Count Colonna, and "Alexina Fisher Baker" and Miss Sophie Edwin as Bianca Colonna and Countess Colonna, respectively. The *Union* advised all to attend who desired to obtain "a good idea of the power of Rome in the sixteenth century and the dissensions of the Italian nobles."

33. "Young De Long" may have been John De Long, listed in the Sacramento Directory for 1859 as a stage driver, address the What Cheer House. No further information respecting him is available, nor can we ascertain whether he was related to the diarist.

34. This resolution, as originally introduced by Assemblyman Street, read (in part) as follows:

"Resolved, That the interests of the whole country demand that the Government of the United States should, if possible, peaceably acquire, or, if not, forcibly seize upon such portion of the territory of Nicaragua as is necessary to secure for all time to come a free transit of the Isthmus, and erect such fortifications and defenses on the line of said route as will effectually protect American citizens in its enjoyment."

Assemblyman Street, in a lengthy speech, detailed the situation—the closing of the Nicaraguan route for more than two years, and the consequent "steamship monopoly" under which he claimed California to be suffering. He criticized the Committee on Federal Relations for toning down his resolution to the following:

"Resolved, That the interests of our whole country demand that the Government of the United States should, if possible, acquire, by negotiation or other fair means such portion of the Territory of Nicaragua as is necessary to secure for all time to come a free transit of the Isthmus of Nicaragua."

Street desired the immediate seizure of Cuba and the extending of a United States' protectorate over Mexico. He derided "mawkish sentiment" and demanded action in aid of the national defense. Assemblyman Lamar agreed that the time had arrived when diplomacy was useless, and demanded action against Nicaragua upon the theory of "manifest destiny." Assemblyman Jackson, however, denounced the proposal and declared that the people of California were themselves responsible for the acts of Nicaragua because they had backed Walker and his filibusters. Chairman Aud of the committee in question argued for the substitute on the ground that Street's original resolution savored of an endorsement of filibustering. After long debate both the substitute and the original resolutions were defeated. The next day (February 1) the discussion was resumed, and finally the whole matter was laid on the table.

35. This bill (A. B. No. 41, see Note 25) was defeated on February 1 by a vote of 38 to 31, De Long giving notice of a motion to reconsider. On February 2 he brought up his motion and explained that John C. Fall (see Note 100, 1855) and his associates already possessed a county franchise obtained before the Feather River was declared navigable opposite Marysville, and therefore had vested rights, needing only legislative authority to reconstruct their toll bridge. He protested that no monopoly was to be given. The motion to reconsider was carried, but the bill itself was then defeated by a vote of 36 to 35.

36. The "Broderick resolutions" (Concurrent Resolution No. VI, Statutes of 1859) were introduced for the purpose of censuring Senator Broderick for his opposition to the Lecompton Constitution in Kansas and instructing him to resign his office as United States Senator. Having procured from Gwin a promise that he should wield the federal patronage of the State, Broderick threw his power to Gwin for reelection to the Senate, but when they arrived at Washington, Broderick was unable to exercise this control and his political enemies were appointed by Buchanan to nearly all the important federal offices in California. Enraged by this action, Broderick had publicly proclaimed that he would never again darken the doors of the White House so long as Buchanan was President, and he forthwith began a bitter fight against the President. (See O'Meara, *Broderick and Gwin*, for an extensive account of that struggle.) Moreover, Broderick was thoroughly aligned with Senator Douglas against the Lecompton Constitution. The powerful Lecomptonite majority in the California Legislature was now aroused and determined to humiliate him. The resolutions of censure were first considered in the Senate on January 21, and were adopted under the gag rule by a vote of 23 to 9. Discussion on reconsideration followed on January 23 and February 1; and on February 3 the resolutions were brought before the Assembly. A bitter debate ensued, and the gag of the "previous question" was applied by the Lecomptonite majority. The *Union* (Feb. 4) tells the story admirably:

"The angry feeling which has existed between the majority and minority of the Assembly since the conduct of the former in not allowing the minority protest in the Duncombe case to go upon the Journals, yesterday displayed itself in an open rupture between the Speaker and one of the leaders of the minority. The bitterness which has been engendered among the Opposition has derived most of its strength from the alleged partial and despotic rulings of the Speaker on questions partaking of a party character. Yesterday, Mr. De Long, of Yuba, withstood the presiding officer in a ruling made by the latter touching his (De Long's) right to be heard on the Broderick resolutions, and was, by the Speaker's order, taken under arrest by the Sergeant-at-Arms. The passage of the resolutions was accomplished under great confusion, and not without enforcement of that 'power' which the majority have used on other occasions. The ill feeling was such that an adjournment was moved to restore members to their equanimity, and save the credit which the House may retain for dignity. After the adjournment, Mr. De Long, who had previously been released from arrest, sought the Speaker at his desk, and demanded an explanation from him. The latter is understood to have acknowledged that the order of arrest was issued under a misapprehension of all the facts of De Long's position in the controversy. . . .

"By passing [these resolutions] the majority has committed an Act of stultification. The preamble and resolutions profess to state a fact that does not exist, and the declaration will return to plague its inventors and supporters.

"Upon all the material interests of California, Broderick is as true as a Senator can be. He is an ardent and active friend of the Pacific Railroad over the Central Lime Point speculation. He has opposed the mammoth steamship monopolies; while Gwin has recently reported a bill to give another mail contract to the Panama Companies. The Senator is not accused of neglecting his duties as a California Senator, but is asked to resign because he did not bend the knee to the President on a party measure. What an insult are such proceedings to the intelligence of the people of California! Will they not remember the authors and actors in this act of party folly and malignity?"

37. De Long's animus toward the Speaker (Stratton) flamed up early in the session of February 4. He declared that when arrested he had been in the act of appealing from the decision of the chair in ordering him to take his seat. He then spoke at length on a question of privilege, reciting the differences which had led to the difficulty of the previous day. He stated that after adjournment he had approached the Speaker with the remark that he was outraged and came to insult Stratton, who then explained that he had acted solely under the rules according to his duty, he not having heard De Long's attempted appeal from his decision. Stratton followed, from the floor, and confirmed this statement, but added that he heard nothing about an "insult," and that if he had heard that he would have refused any explanation. Mr. Lies, who had also been arrested, followed on a question of privilege with a scathing denunciation of the action of the Speaker in ordering his arrest because he had refused to vote on the Broderick resolutions on the ground of not being properly informed of their purport. The Assembly then refused to allow De Long to explain his vote on the resolutions (an act which the *Union* of February 5 declared to be ungenerous and unwarranted by former practice and precedent), and the incident was closed by Pixley, who in a brief but effective speech supported Broderick's course, though a Republican himself, and declared the Senator to be an honest, faithful and zealous servant of his California constituents.

38. The International Hotel was located on Jackson Street near Kearny, San Francisco. It dated from 1854 (see *Alta California*, April 25, 1854) and was operated on the European plan. In an advertisement in the *Union* for March 5, 1859, John J. Haley, then proprietor, featured the "patent spring beds" and the "great variety of richly furnished parlors and bed rooms," adding, "Travelers on arriving at the wharf will be told by Runners from other Hotels that we are full. Pay no attention to them." In Langley's San Francisco Directory for 1860 it is said that Mrs. M. A. Torrey was then connected with the International. This may well have been De Long's former landlady in Sacramento. (See Notes 121, 1857, and 293, 1858.)

39. South Park, a tract bounded by Second, Third, Bryant and Brannan streets, San Francisco, was projected by one George Gordon in 1852. and was then "the only level spot of equal area, free from sand, in the city limits." A parked avenue was cut through the property from Second to Third Street in 1854, with a "public garden" 75 by 550 feet along the center, surrounded by an iron railing. The trust deed covering this parkway was modeled on that of Gramercy Park, New York, and required only brick or stone buildings on the tract. A number of such residences were erected by the promoters during the winter of 1854-55, and the *Alta* for April 4, 1855, stated that the park then contained "floral beauties rarely or never seen outside of a private garden or conservatory," including "geraniums, various specimens of 'cacti,' fucias (sic), together with all the varieties of wild flowers that grow in California . . . together with many of the cultivated order of plants." Third Street was then planked as far as this tract, and access was described as "convenient, as omnibuses run every half hour" (*Alta*, Dec. 25, 1854). Two years later they ran every ten minutes, and it was declared that "when the design is carried out, the tout ensemble will be highly imposing and worthy of the oldest city in the Union." (San Francisco Directory, 1856-57, p. 205.) The title to the parkway was settled in 1902 when the city paid the heirs of John Wallace for the property. (San Francisco *Chronicle*, Nov. 18, 1902.)

40. In 1851 the State General Hospital was established at Stockton, commencing operation in cheap, rented, wooden buildings at El Dorado and Market Streets. Two years later this institution was abolished by the Legislature, and the Insane Asylum of California was permanently established at Stockton. (T. & W., *San Joaquin County*, p. 73.) The Special Investigating Committee (see Note 31) consisted of Senators Dent, Griffith and Lansing, and Assemblymen De Long, Burdick and Eagan. Hearings were held at Stockton and Sonora, and a "searching examination" of the institution was made (*Weekly Stockton Democrat*, Feb. 20, 1859). Its report exonerated the asylum officials of all blame in the Brett affair, and also acquitted them of all charges which had been made against them. De Long, on February 28, filed a Minority Report in which he attributed the condition of Otis Brett to neglect and want of proper medical care by the physicians. Other than in this case he felt the asylum well and economically operated. (*Alta*, March 1, 1859.)

41. On December 30, 1863, the "Weber House" was opened with a large banquet over which presided Captain Charles M. Weber, the founder of Stockton. This famous early day hotel was erected by Messrs. Reid and Warner at the southwest corner of Center and Main streets, at a cost of \$40,000, and its three stories of brick made it the largest structure in the town. Dillon and Gross took it over via the sheriff's route in 1855 for \$17,000. For many years it was the Democratic rendezvous, and in its second story was organized Stockton's first Masonic lodge. The business section, however, moved away from the neighborhood, and in 1880, George H. Tinkham, in his *History of Stockton* (pp. 190-91), spoke of it as but "a sad reminder" of the elder days, adding, "In its day the finest and largest building in Stockton, we regret that bartered nature should in its old age stain its past historic record."

42. John Ross Browne, author, lecturer, diplomat, adventurer, and humorist, voyaged to California in 1849, via the Horn. En route he visited the famous Isle of Juan Fernandez, and *Crusoe's Island* (1854) remains his best known book. He was also the author of *Adventures in the Apache Country* (1869), and after an extended investigation published his well-known *Report on the Mineral Resources of the States and Territories West of the Rocky Mountains* (1867) and *Resources of the Pacific Slope* (1868). He was for a time Minister to China (1868), and in his youth had adventured throughout the world, much of the time on a whaler. His first book, *Etchings of a Whaling Cruise* (1846), was given over to a detailed account of the hardships of the common sailor, and did much to arouse public opinion against conditions aboard sailing ships. On his arrival in California, as he was the only short-hand reporter available, Browne became the official reporter of the Constitutional Convention of 1849 at Monterey, and published the Debates of that body the following year. He died in Alameda County in 1875 at the age of 54. (See Rock, Francis J., *J. Ross Browne, a Biography*, Washington, D. C., 1929. See also sketches in Cummins, Ella Stirling, *The Story of the Files*, 1893, p. 66, and Halley's *Centennial Year Book of Alameda County*, 1876, p. 537.) The lecture which so bored De Long was delivered before the California Society of Natural History on the subject of the "American Whale Fishery." The *Weekly Stockton Democrat* for Feb. 13, 1859, declared that it was "replete with wit"; that an audience "in better humor we have seldom seen assembled," and that frequent applause greeted the speaker's reflection on "the lights and shadows of whaling life."

In a letter to that journal, published the previous week, Browne had, however, remarked that he was "no lecturer, and rather an indifferent reader," and that while he, unlike Jonah, had never been swallowed by a whale, he had himself swallowed some great "yarns" about these "voracious monsters." He stated that although whales are accustomed to "public spouting," that was not his forte, and he admitted that the audience, like a sputtery whale-oil lamp, might well—in the face of his intended pleasantries—be inclined to "go out." He closed with: "Blessed are they who expect little, for they shall surely not be disappointed." It is evident that De Long expected a bit too much.

43. Marcus D. Boruck came to California in 1850, and while an employe of the Custom House served as Secretary of the Volunteer Fire Department, representing California Engine No. 4 on the Board of Delegates. In 1855 he started the *Firemen's Journal* with one George M. Chase, merging it with the *Spirit of the Times* in 1859. In 1867 Chase retired from the partnership, and Boruck continued as sole proprietor and editor until his death in 1895. (Sacramento, *Record-Union*, June 26, 1895.) He ran as a Whig for the State Senate in 1854, and for several years was Secretary of the State Senate and also Clerk of the Assembly. He was the non-partisan candidate for Secretary of the Constitutional Convention in 1878-79, but was defeated. He was also Secretary of the Republican State Central Committee, and served as private secretary to Governor Waterman. (See also sketch in Hugh J. Mohan's *Pen Pictures of our Representative Men*, 1880, p. 127.)

43a. San Joaquin Engine Co. No. 3 was organized by a group of German citizens of Stockton early in 1855, and the first alarm bell in town soon graced its firehouse. (See *Illustrated History of San Joaquin County*, 1890, pp. 147-48, and *History of the Stockton Fire Department*, 1850-1908, pp. 69-73.) Of the collation mentioned by De Long the *Stockton Weekly Democrat* declared on Feb. 13, 1859, that "speeches, toasts and champagne were mingled" in such a manner that the gathering was one of "no ordinary character." De Long's account of the evening bears out the description. The dinner was given to Boruck in return for courtesies extended to the Stockton fire company when they visited the Bay at the time of the recent cable celebration. (*Stockton Daily Argus*, Feb. 9, 1859.)

43b. This sleight of hand artist and ventriloquist was a popular exponent of legerdemain during this period. (See *Stockton Daily Argus*, Feb. 12, 1859, for an advertisement of this performance.)

44. Knight's Ferry, forty miles due east of Stockton on the Stanislaus River, was founded in 1849 by "Captain" William Knight, an early day hunter and trapper who had come to California in 1844 as guide on Frémont's expedition of that year. Located as it was, midway between Stockton, the outfitting point, and Sonora, "Queen of the Southern Mines," Knight's hotel, store and ferry were widely patronized by thousands of eager gold-seekers. It was a strategic point, but the "Captain" did not live to see its glory, his headstone being the first to grace the tiny cemetery on the rocky hill above the river. (See Tinkham, *History of Stanislaus County*, 1921, p. 73; also Elias, S. P., *Stories of Stanislaus*, 1924, pp. 223-49.)

45. The City Hotel at Sonora was the leading hostelry of the "Queen of the Southern Mines." It was saved in the great fire of 1853 because of a powerful force pump located in the building. (Alley's *History of Tuolumne County*, 1882, pp. 134-35.)

46. The Long Tom Saloon was a famous early rendezvous at Sonora.

47. This Kate Hays could hardly have been the well-known actress and singer of that name who is said to have given her last concert in California in 1853. She had come to California in November, 1852, then aged 24 and already known as "the swan of Erin." Her

success was tremendous, and in Sacramento the sale of seats for her concert was so unprecedented that a single seat was bid in at \$1200.00 by the Sutter Rifles, who presented the ticket to General Sutter. She left California in May, 1853. (See Rourke, *Troupers of the Gold Coast*.)

48. See Note 35, 1858.

49. This was A. B. No. 56, "An Act concerning the organization of the Militia." After several sessions in Committee of the Whole it was passed by the Assembly on April 6, 1859.

50. The "Charter Election" appears to have been nothing more than a city election to choose officers provided for in the city charter. On February 22 the *Daily National Democrat* published a communication signed "Anti-Federalist" and headed "The Charter Election" in which are discussed the reasons "why the servile supporters of the Federal Administration are laboring so hard to carry the city election this spring."

51. The *Union* on Feb. 21, 1859, declared that at the special election Charles Duncombe was elected by 888 ballots as against 860 which were cast for his nearest opponent. Duncombe had taken the "naturalization oath" under the Act of 1795 since his expulsion from the Assembly. (*Union*, Feb. 23, 1859. See Notes 21 and 57.)

52. The affair with "the mysterious lady in No. 8" who was also termed "Octa," "Constance," "Gertrude," or "Camille" on occasion, remains a matter of conjecture. She appears to have been married, and it would seem that her former name had been Gertrude Winman. (See entry for November 18, 1859.) March 13 appears to have been "her night," and De Long celebrated this date in his diary on several occasions. From February 28, when "No. 8" is first mentioned, to December 25, the mysterious lady is mentioned no less than fifty-three times under her several "aliases." The details of this affair will never be known, and the omission here of certain brief entries is unfortunately necessary. De Long's reaction to the situation during November and December, 1859, cannot but have been psychologically important to the rapidly developing youth, and the tragedy here set forth in such shadowy form is nevertheless real.

53. "*The Queen of Spades*, adapted from Dion Boucicault's *La Dame de Pique*, was first performed at the Theatre Royal, Drury Lane, March 29, 1851. Mrs. Wood (at this time [1859] lessee and "manageress" of the Forrest Theater) took the part of Katinka Nelidoff in the performance mentioned by De Long, and J. B. Booth that of Ivan, the scene being laid in the Siberian mines. In *Mischief Making*, a one-act farce by John B. Buckstone, styled in the advertisements as a "comedieta," the Misses Isabel and Agnes Lands "appeared to great advantage," while Mrs. Wood as Madame Manette sang her celebrated "Exhibition Song of All Nations." (*Union*, Feb. 24, 1859.)

54. The bill here mentioned was not De Long's Bridge Bill (see Notes 25, 35 and 75) but was Senate Bill No. 47, which authorized the Supervisors of Sutter County to construct a bridge across the Feather River and to levy a special tax therefor. This bill had passed the Senate after long discussion, and reconsideration had been refused on February 23. After the reference to the committee here mentioned, the bill was passed on March 30 by a vote of 34 to 18. The next day De Long moved to reconsider, but the motion was lost, 30 to 36, and on April 1 the Senate concurred in the Assembly amendments. The Bill became Chapter 194 of the Statutes of 1859.

55. James Slingerland (see Note 101, 1856), here referred to as "Jim," was, at this writing, greatly interested in Ada Singer, and it cannot be doubted that De Long was keenly alive to Anna Singer's charms, though she did not at the time reciprocate (see entries for February 21 and 22). Elida Vineyard was still at Fort Tejon, but returned to Marysville on May 13. It appears to have been Slingerland's hope that Charley's affair with Elida would blow over and that the breach with "Annie" would be healed.

56. M. G. Upton had, on February 28, been elected official Reporter of the Assembly at \$14.00 per day salary, by a vote of 42 to 19, De Long voting with the majority. He gave notice of reconsideration, and the next day (March 1) moved to reconsider, the motion being lost by a vote of 39 to 21.

57. The Duncombe Case (see Notes 21 and 51) flared anew on March 3, when, after a special election, Charles Duncombe again presented himself with his certificate and asked to be sworn in as Assemblyman from Sacramento. The Lecomptonite majority were determined to keep him out at all hazards, and did the unheard-of thing of referring his credentials to the Lecompton controlled Committee on Elections without first allowing him to be sworn in. (*Union*, March 3.) De Long, in a strong speech, urged the injustice of this course, but was overruled. On the 9th the Committee reported against Duncombe, declaring him unqualified. (See *Union*, March 9, with editorial comment on this unusual and unjustified procedure.) During the acrimonious debate Assemblyman Ellis took a fling at De Long, who as leader of the opposition had done everything possible to halt this action, saying:

"Mr. Speaker, I hardly know, sir, in what estimate to place the gentleman from Yuba. You have, doubtless, been entertained by that beautiful production of Shakespeare called 'Midsummer Night's Dream.' Can you repress the remembrance of a

distinguished person in that play—a certain Nick Bottom? You remember that, when the peasantry were called upon to entertain the Duke and Duchess, that they assembled and agreed to perform a sort of drama for the entertainment of the Duke and Duchess; and, when Peter Quince—who bossed the whole concern—began to assign parts, he assigned the Lover to Bottom, the Weaver. O, yes—he could play the Lover. Let him play the Lover by all means. Then Thisbe had to be played, as well as Pyramus, you remember, sir; and when that part was assigned to another, Bottom says. 'No, let *me* play the Lady; let me play her part; I'll speak soft and sweet—let me play the part by all means.' Then the Lion's part had to be played—and when his part came to be assigned, Bottom says, 'O, let me play the Lion—do; I can roar, I can make them stare with wonder—let me play the Lion.' They told him that he might roar too loud, and frighten or offend the dukes and ladies, but he replied, 'I can roar you as gently as any sucking dove—let me play the Lion.' Bottom would play the Lion. It seems to me that my excellent friend from Yuba will play all parts in this discussion."

58. The minutes of the Supreme Court for March 3, 1859, contain the following entry: "Before Terry, C. J., and Baldwin and Field, J. J., C. E. De Long, on motion of J. A. McDougall, was admitted as an attorney and counsellor at law in the Supreme Court of California." (*Union*, March 4, 1859.) James A. McDougall (not to be confused with John McDougal, see Note 70) was Attorney-General of California, 1850-51; Representative in Congress, 1853-54, and United States Senator (as a Douglas Democrat succeeding Senator Gwin), 1861-66. He died at Albany, New York, Sept. 3, 1867.

59. The Legislative Ball which, according to the *Union*, had been "the topic of fashionable conversation for several weeks," was a gorgeous affair. "From 8 o'clock . . . until after the San Francisco boats arrived," said the *Union* on March 5, "a steady succession of carriages, drawing up in front of the National Theater, and depositing their fair loads, reminded passers-by of a brilliant opera night in some great Eastern city. Inside, the view was well calculated to bear out the illusion of a night at 'Niblo's' or the Astor Place Opera House in New York." The "parquette" of the theater was floored over for the occasion, and some 500 guests disported to the music of a large band. It was at the Legislative Ball of January 8, 1858, that De Long met Elida Vineyard. (See Notes 11 and 14, 1858.)

60. This was a "complimentary benefit" for Miss Carrie Hiffert, one of the most popular members of the "Alleghanians." (See Note 220, 1858; also *Alta*, May 19, 1852, and May 6, 1858.) It was advertised as a "Grand Concert," with choice vocal and instrumental music and the "Swiss Bell Ringers" as the attraction. The *Union* (March 7, 1859) published the following correspondence respecting it:

"Sacramento, March 4, 1859.

"To Miss Carrie Hiffert: The undersigned, lovers of the divine art in which you are engaged, also fully appreciating your excellent abilities as a vocalist, and wishing in some way to make known to you the esteem in which you are held by us, respectfully tender you a Complimentary Benefit, to take place on some evening suited to your convenience.

"Hoping the above offer may meet your approval, we remain truly your friends and well wishers.

John B. Weller,
J. S. Slingerland,
J. Whealdon,
H. F. Thompson,
A. Briggs,
J. W. Scobey,
M. Malarin,
Eugene Lies,
S. M. Buck,
C. Huckin,
J. B. Lamar,
G. N. Douglass,
Homer King,
L. R. Lull,
W. W. Shepard,
G. H. Crenshaw,
J. S. Tipton,
J. Roane,
Geo. A. Douglas,
G. D. Hall,

W. C. Stratton,
S. Wittgenstein,
Julius Shultz,
T. B. Shannon,
Wm. Dow,
Robert Howe,
W. A. James,
C. W. Cahalan,
John A. Eagan,
—— Stephens,
L. M. Shrack,
H. C. Sloss,
Wm. P. Rodgers,
G. N. Whitman,
Henry Hancock,
M. T. Brocklebank,
Andrew Pico,
Ferris Forman,
P. Lynch,
Ogden Squires,

Chas. E. De Long
James Burdick,
W. F. Williamson,
H. C. Kibbe,
C. C. Dudley,
Thomas Tucker,
A. A. Hill,
R. R. Macgill,
Wm. F. Watkins,
Wm. Caldwell,
John Daggett,
F. Bates,
B. S. Hines,
D. Maddux,
R. B. Ellis,
J. E. Sheridan,
Walter Murray,
John W. Cherry,
T. R. Eldridge,
John O'Meara.

Sacramento, March 4, 1859.

"Gentlemen: I cannot sufficiently thank you for the very flattering favor you have so kindly offered to bestow on me. I most cheerfully accept the proffered testimonial; at the same time assuring you that I shall ever most earnestly endeavor to retain the friendship and good wishes of my California friends.

"I would most respectfully designate Monday evening, March 7th, as the time on which the Benefit might take place, if agreeable to you.

Gratefully yours,

CARRIE HIFFERT.

"To the Honorables, J. B. Weller, W. C. Stratton, Chas. De Long, G. N. Douglass, James Burdick, etc."

61. Indian difficulties were numerous in northern California during the late fifties. (See Coy, O. C., *The Humboldt Bay Region*, 1929, pp. 137-55; also Bledsoe, A., *Indian Wars of the Northwest*, 1885.) We cannot be certain to which De Long here refers, and it may be that he meant to say the "Chinese" war, on which Governor Weller sent a special message to the Legislature. This message, which was dated March 11 and is printed in full in the *Journal*, pp. 401-6, inclusive, referred to the Chinese difficulties in Shasta County. It appears that on March 2 Sheriff H. C. Stockton of that county wrote Governor Weller that a mob of 300 armed men had organized to expel the Chinese miners from the county. The sheriff had arrested several of these as rioters, but could obtain no convictions. He declared that the law should be sustained so long as he was an officer but spoke of the great difficulties under which he was laboring. Later the same day he telegraphed to the Governor asking for 100 rifles and necessary ammunition. Weller replied that the law must be maintained at all hazards, and a long series of messages passed between the two. Col. Edward Jefferson Lewis was finally dispatched to Shasta with 113 rifles and "some ammunition." On his arrival at Red Bluff he delivered the arms to the sheriff and reported that things looked quiet. Later he wired from Shasta that the rioters were secretly organized, and still later that the sheriff wanted the arms for two months, which request the Governor refused.

61a. E. J. Lewis was born in Middletown, Conn., May 6, 1831, and came to California in 1849. He was elected to the Assembly from Colusa County in 1856 and from Tehama and Colusa counties in 1858. In 1867 he became Senator from the same counties, and again in 1869, 1875 and 1877, being President *pro tem.* of the Senate during the sessions of 1869-70 and 1877-78. In 1857 he became superintendent of the Nomee Lackee Indian Reservation in Tehama County, and was Governor Weller's private secretary in 1858-59. He was always active in politics, and in 1879 was elected Superior Judge of Tehama County, resigning as Major General of the State National Guard. He died at Red Bluff on April 20, 1881. (Davis, p. 637; Daggett's *Scrapbook*, pp. 50-51; Red Bluff *Sentinel*, April 22, 1881.)

62. Hancock's resolution was to elect Assemblyman Philip Moore of Nevada County, a leading Lecompton Democrat, as Speaker *pro tem.* during the absence of the Speaker. Moore received 45 votes against 5 for Pixley and 7 for Watkins for this office (J., 421), many of the Anti-Lecomptonites avoiding the vote.

63. This "mineral resolution" was a joint resolution introduced on Jan. 7, 1859, requesting Congress to cause the mineral lands of the federal government in California to be surveyed and located, and subdivided into small sections, the same to be devoted to actual settlers, so as not to interfere with actual possession, and under such restrictions as would prevent their monopoly by capitalists. (*Union*, Jan. 8; Assembly Concurrent Resolution No. 21.) De Long opposed the resolution, and on the day here in question (March 17) Pixley replied in one of his characteristically ironical speeches, saying,

"... the gentleman [De Long] ignored the leading feature of the resolutions, which is the *donation* of the mineral lands, and not their sale—and was pleased to say that they were introduced for buncome. This gentleman, in his love of talk and senseless declamation upon all subjects and on all occasions, reminds me of the story of the fox passing through the streets of a Cathedral town. His attention was arrested by the frequent ringing of the Cathedral bells. Looking upward to the steeple, he thus apostrophized the clanging brass: 'Oh, thou great, big, empty-headed, long-tongued, brazen-faced, good-for-nothing, noisy creature! none but an insane people could ever have elevated you to your present high position.' (Great laughter and applause.) The gentleman from Yuba is the bell-clapper of the Lower House."

64. This was A. B. No. 84, to create a branch of the State Insane Asylum in Marysville. It was defeated by a vote of 32 to 29. On March 23 this was reconsidered by a vote of 35 to 21, but the bill was again defeated on the 24th by a vote of 27 to 26.

65. The Marysville *Express*, March 21, 1859, states: "We understand that a party, with pistols and coffee, started out yesterday with the intention of having a bloody encounter, but the affair coming to the ears of the peace officers, the party, or a portion of them, were arrested at Yuba City, and the affair broke up."

66. The municipal election in Marysville resulted in the election of William Singer (Douglas Democrat) (see Note 141, 1858) by a vote of 821 to 664 for S. C. Tompkins (Administration Democrat). Goodwin (also a Douglas Democrat) (see Note 183, 1858) won the Recordership over Watkins, 770 to 706. The "administration" or Lecompton men won a few of the minor offices, but the Douglasites came out with seven of the twelve Aldermen. Of this election the Lecomptonite Marysville correspondent of the *Alameda Gazette* declared (in a letter dated March 22 and published March 26):

"Wm. Singer, 'regular Democratic' Mayor — a man destitute of the first principles and impulses of Democracy! His eyes seek not truth, but rather, *dimes* and *office*, while his heart works iniquity. The Know Nothing shell which yet clings to his back is the banner of a Douglas victory.

"Capt. Wells, 'regular Democratic' Assessor! A good man, but a good-for-nothing Democrat. He has grown fat, both in purse and person, by the offices obtained of the old Whig and Know Nothing parties; and now that he cannot take a front seat with the true Democracy, he hinges with the Abolition, Free Soil, Douglas party, until a better lay-out. That such true men and true Democrats as Tompkins, and the entire ticket, should be beaten, shows the great danger of under-estimating the power of such unscrupulous antagonists. Utterly destitute of principle as they are, I do not deny to them the possession of an energy and activity worthy of a better cause."

The Anti-Lecompton side of the story was told in the *Butte Record* of March 26, 1859, which declared that the contest in Marysville "was rightly looked upon as of vital importance by the two opposing parties," the editor adding: "The banner of Popular Sovereignty has been borne in triumph. A more signal victory of principle over the villainous dogmas of grovelling place-men has never been achieved, at any election in California. This triumph is all the more glorious from the fact that Marysville has long been claimed as one of the most impregnable strongholds of Lecomptonism in the State. To maintain it as such, Custom House money, Custom House minions, Lecompton State officials and all the power at their disposal, and every corrupt influence known to the most unscrupulous of parties were brought to bear against the honest adherents of the cause of true, genuine Democracy."

67. The steamer *Oakland* was sent especially to Sacramento for this occasion and carried the Committee which was to inspect Oakland as a possible site for the State Capital, and numerous guests, first to San Francisco and the next day across the Bay.

The earliest regular communication between San Francisco and the communities situated on the easterly shores of the Bay was by means of whale boats, one of which, the *Pirouette*, plied regularly as a ferry boat between San Francisco and the embarcadero at San Antonio (East Oakland). Small steamers were put on the run in 1851 and in the next year the "Contra Costa Steam Navigation Co." was established, with two steamers and regular daily trips, passengers being carried at \$1.00 each way. In the same year "Brooklyn" was also made the terminus of a line. In 1857, James B. Larue started an "opposition ferry," purchasing the steamer *Confidence* and renaming her the *San Antonio*, and later constructing the steamer *Oakland*. During the summer of 1859 a bitter rivalry developed, the new line reducing fares very drastically. Larue was sued by Minturn, owner of the old line, for a violation of his "exclusive" franchise, but Judge Hoffman of the Federal Circuit Court held that the ordinance of the County of Contra Costa purporting to grant such a franchise was unconstitutional. In 1862 Larue's "Oakland and San Antonio Steam Navigation Co." sold out to the Oakland and San Francisco Railroad and Ferry Line. (See Baker, Joseph E., *Past and Present of Alameda County*, Vol. I, pp. 76-77; *History of Alameda County*, 1883, p. 545.)

68. In 1851 a hotel known as the Rasette House was erected on the southwest corner of Bush and Sansome streets where the Standard Oil Building stands today. This edifice was burned and in 1853-54 the Metropolitan Hotel was constructed on its site, its proprietors in 1859 being E. I. Armstrong and Samuel Todd. In 1863 this structure was demolished and a new Metropolitan, costing some \$300,000 took its place. (Langley's San Francisco Directory, 1859, p. 53; *Alta*, July 17, 1863.)

69. The movement to remove the State Capital from Sacramento to Oakland developed considerable strength during the Legislature of 1859. On March 2, the Committee on Public Buildings favorably reported A. B. No. 222 providing for the erection of a Capitol Building in Sacramento at a cost of not more than \$120,000. On the 22d, this bill and A. B. No. 261 came up for discussion, the latter being a bill to authorize the local authorities of Oakland and Alameda County to levy a special tax for a State Capitol Building at Oakland and to remove the seat of government to that city. Assemblyman Hancock introduced a bill (A. B. No. 286) to commence a State Capitol at Oakland, and on the same day the Special Committee reported four to one in favor of the removal (Rodgers, Howe, Armstrong and Bates against Squires). On the 29th, after the visit of a large legislative delegation (including De Long) to Oakland, the three bills came up on Special Order, A. B. No. 261 being defeated by the close margin of 30 to 28, but A. B. No. 222 (to erect a Capitol Building in

Sacramento) being decisively beaten by a vote of 41 to 15 (J., 487). The removal question bobbed up again from time to time, but in 1860 a Capitol Building was commenced in Sacramento. It was formally occupied in 1869, and though many attempts have been made to remove the Capital (to San José [1868; 1893-1903] and Berkeley [1907]) none has been successful. (See *California Blue Book*, 1907, p. 690.)

A flowery account of the trip to Oakland here mentioned by De Long is to be found in the *Union* for March 30, 1859. The reporter was struck by the fact that some of the strongest supporters of the anti-gambling bill were at the gaming table of the *Oakland* during the whole trip. The next morning his ferry to Oakland stuck fast on a sand bar "northeast of Goat Island," and he declared that, were it not for this bar Oakland would indeed be destined to be "the Hoboken of San Francisco." He was not impressed with the sleepy village, hidden behind its oaks, and professed to find little favorable local feeling toward the Capital removal.

70. John McDougal was born in Ohio in 1818, and at the outbreak of the Mexican War was Superintendent of the Indiana State Prison. He was a Captain of Volunteers during that war and came to California in 1848, engaging first in mining and later in the transportation business, and representing the Sacramento District in the Constitutional Convention of 1849. On November 13 of that year he was elected Lieutenant Governor, and became Governor on the resignation of Governor Peter H. Burnett, being inaugurated on Jan. 9, 1851. He died in San Francisco, March 30, 1866.

71. Seymour Pixley had come to California from Ohio, and had been landlord of the Haun House in Marysville in 1857 (*Marysville Directory*, 1857, p. 74) at which time it was owned by George Rowe, De Long's law partner (*ibid.*, p. 47). In 1854 he had been Public Administrator of Yuba County and was a member of the Eureka Fire Company of Marysville. Soon after this period Pixley removed to Alameda County, and his popular resort, the Estudillo House at San Leandro, contained at the time De Long visited it "a Table and Bar . . . furnished equal to the appetites of the most fastidious." Wedding, pleasure and cotillion parties were given special attention, and the hotel was advertised as a summer resort for the citizens of San Francisco. On Feb. 19, 1859, Pixley (no relation, so far as can be ascertained, to Frank M. Pixley, see Note 25a) advertised in the *Alameda Gazette*, inviting all and sundry to attend the Annual Grand Ball of the Bachelors' Club at his resort. The same paper the next week reported that the ball had been a grand success. It is said that the Estudillo House was erected in 1845 by Don José Joaquín Estudillo, who shared with Don Luis María Peralta the domain of the great "contra costa" or "eastbay" littoral. Estudillo received from Governor Alvarado the grant of all that area lying between San Leandro and San Lorenzo creeks, and this was his baronial mansion. In 1862 one Prosper Godchaux purchased the building, which had for some years been a hostelry, and operated it for more than half a century. In 1929 the hoary relic was razed to make way for a "business block." (*Oakland Tribune*, Sept. 20, 1929.)

72. The steamer *Queen City* was built in San Francisco "after the style of the magnificent Mississippi packets, with elegant cabins, state-rooms, halls, etc., extending almost the entire length of the boat" and disconnected from the freight rooms, "thus affording ample room for exercise and pleasure." In 1856 it was said of this vessel that "she is propelled by two powerful high pressure engines, and is not surpassed in speed by any boat upon the California waters." Her engines came from Cincinnati, and her maiden run occurred on Nov. 4, 1854. She was later laid by and used, by arrangement with the California Steam Navigation Company, as an extra boat only. (See *Colville's San Francisco Directory*, 1856, p. 179; T. & W., *History of Sacramento County*, 1880, p. 63; T. & W., *Yuba County*, p. 109.)

73. A. B. No. 225 was entitled "An Act to provide the pay of troops called out by the Governor of this State to quell insurrection in the year 1856." It was similar to the "Law and Order Army" appropriation bill of the preceding session which De Long had supported. Now he took the opposite view on the ground that existing provisions of law respecting the pay of special State troops made such special legislation unnecessary, though he made clear that he fully supported the proposition that these troops should be paid for their services. Consideration of the bill was finally indefinitely postponed by a vote of 42 to 20 on April 11. (J., 578.)

74. A. B. No. 270 had for its purpose the creation of the County of Alturas (see Note 89, 1858) which was to include the northern portions of Butte and Yuba counties and parts of Plumas and Sierra counties, with La Porte as the probable county seat. On March 23 it passed by a vote of 31 to 18, and on the 29th came before the Assembly again on Mr. Lefever's motion to reconsider, which was lost, 32 to 24, De Long voting against reconsideration, and speaking at length in favor of the bill. He said that Downieville, County Seat of Sierra County, was so thoroughly snowed in for some six months of the year that from Rabbit Creek (La Porte) it could only be reached by way of Marysville, and he thought that the objection of added expense to the citizens of either Sierra County or the new county was trivial and meaningless. (*Union*, March 30, 1859.) The bill failed to pass the Senate. (Senate J., 653, 696, 731.)

75. De Long's bill respecting a toll bridge over the Feather River (see Notes 25, 35 and 54) was an alternative to Senate Bill No. 47 which authorized the Supervisors of Sutter County to construct a double track bridge across Feather River from Fifth Street, Marysville, with a draw of not less than 30 feet, the Board to collect toll, at rates to be fixed by it until the net amount collected should be \$15,000, or the cost of the bridge (above donations), and to operate it as a free bridge if the cost were less than \$15,000. On March 30, when this bill came up, De Long moved to amend to provide for a vote of the inhabitants of Sutter County, which was lost, 23 to 33. After long and acrimonious discussion the bill passed 34 to 18. The following day De Long moved to reconsider. The debate was long and heated, but the motion lost, 30 to 36, and the bill was approved by the Governor on April 11, 1859, becoming Chap. 194 (p. 201) of the Statutes of 1859.

76. Joseph G. Baldwin had been nominated by the Lecompton Democrats for Justice of the Supreme Court, and A. R. Meloney for Controller, on Aug. 4, 1858, and on September 1 of that year they had been elected. The Lecompton platform adopted at that time was no doubt the "test" here mentioned by De Long.

77. Senate Bill No. 110, An Act appropriating money for the completion of a wagon road over the Sierra Nevada, was bitterly fought by the proponents of routes other than the "El Dorado" route favored by the bill. A lengthy and confused debate occurred on April 4, and on the 6th the discussion was resumed, the bill failing of passage, 25 to 43 (J., 548). On motion for reconsideration, it was again brought forward on April 12, and reconsideration was refused, 38 to 34. (J., 674.) The road, which ran from Sacramento through El Dorado County to Carson Valley, had been partially constructed at county expense the preceding year. For a discussion of this and other routes which had been proposed for a road over the Sierras, see White, Chester Lee, "Surmounting the Sierras—The Campaign for a Wagon Road," in this *Quarterly*, Vol. VII, pp. 3-19.

78. The division of California into two or more States was a subject which engrossed the attention of nearly every legislature during the State's first decade. The inhabitants of the then sparsely populated "cow counties" south of the Tehachapi felt (with considerable reason) that they were being called upon to contribute a disproportionate share of the State taxes, and pointed out that the more populous mining counties paid much less in proportion because of the extreme difficulty of taxing the miners. In 1852 and again in 1853 the question of State division came to the fore, but Senator D. B. Kurtz's resolution in the Legislature of 1853 to divide the State into two or more States was laid on the table by a vote of 15 to 11. In 1855 Assemblyman D. F. Douglass, of San Joaquin County, introduced a bill to create three States—north, south and middle—out of California. This bill was not acted on, but the next year John D. Crosby, of Trinity County, introduced a similar bill, which received favorable recommendation from the Committee but went no further. At about the same time the residents of Honey Lake Valley, led by Peter Lassen and Isaac Roop, attempted to form a new Territory, known as "Nataqua" (see Fairfield, *History of Lassen County*), and in 1858 a petition for the cession of all lands east of the Sierra crest was received from two "commissioners," whose avowed purpose was the creation of a new Territory.

The question became acute during the Session of 1859 when Assemblyman William F. Watkins, of Siskiyou County, introduced a bill to permit the inhabitants of California north of the fortieth parallel to withdraw and create a new State (presumably to be called the State of Klamath), and Andres Pico, of Los Angeles, proposed to create the Territory of Colorado out of the southern counties. Hittell remarks (IV, p. 240), "It would seem, had all these wild projects gone through, though none of them did, that California was to be shaved off on the east and then what was left was to be divided up into three States or Territories."

The debate here mentioned by De Long was on Pico's bill (A. B. 223), "An Act granting the consent of the Legislature to the formation of a different government for the Southern Counties of the State." The new Territory was to include the counties of San Luis Obispo, Santa Barbara, Los Angeles, San Diego, San Bernardino, and part of Buena Vista; the Governor was to direct the voters of these counties to vote for or against "a Territory," and if there should be a two-thirds vote for it, "the consent hereby given shall be deemed consummated," the *status quo* to continue, however, until the establishment of a separate government by Congress. Should Congress establish such a government, Commissioners were to be appointed by the Legislature of the State of California and the first Territorial Assembly, to adjust property and financial affairs between the State of California and "the new government," using the votes cast at the general election as a basis. The bill, with an amendment, was passed by the Assembly on March 25 and by the Senate on April 14. It was approved on April 18, and became Chap. 288 of the Statutes of California. The outbreak of the Civil War, however, put an end to the movement.

79. The Metropolitan Theater, on K Street between Fourth and Fifth streets, Sacramento, was at this time owned by the well-known Tom Maguire, with Lewis Baker as Manager. Miss Avonia Jones, "the distinguished young tragedienne," had arrived in San Francisco on the *Sonora* on March 1 (*Altia*, March 1, 1859), and had made her California

debut in that city on March 8 in Oxenford's play, *Adrienne, the Actress* (see Note 99). While it was said that she did not possess "the majestic power of Matilda Heron" nor the "artistic precision or faultless finish" of Jane Davenport, it was declared that "her fine personal appearance, her youth, and especially those eyes, like black diamonds, flashing out, will surely draw large audiences." (*Union*, March 10, 1859.)

The play, *Sybil*, a tragedy in five acts, by John Savage, Associate Editor of the Washington *States* and one of the Irish refugees of 1848, was based on a sordid tragedy in the Kentucky of the 1820's—a story of seduction, love, and assassination. The advertisement carried by the *Union* on April 6 stated that the play was written expressly for Miss Jones, and added that "its recent representation in San Francisco was greeted with the most vociferous demonstrations of delight ever heard within the walls of the theater." This play was followed by a short piece entitled, *The Clockmaker's Hat*, in which Miss Alice Mandeville, the celebrated young dancer, appeared as Jemima.

80. Senate Bill No. 82 made Certificates of Purchase of School Land evidence of title.

81. Baron Eligius Franz Joseph von Muench-Bellinghausen's five-act play, *Ingomar, the Barbarian*, was translated from the German and adapted to the English stage by Maria Lovell, and made its American debut in New York in 1851. In the performance mentioned by De Long, James Stark took the part of Ingomar and Avonia Jones that of Parthenia.

82. *The Lady of Lyons, or Love and Pride*, by Edward George Earl Lytton Bulwer-Lytton, first Baron, was produced anonymously in Covent Garden Theater in 1838. It was given in Sacramento at the Forrest Theater, "the distinguished tragedian," James Anderson, appearing as Claude Melnotte, and Miss Fanny Morant as Pauline. The next day the *Union* reported that the production was a "marked success" and mentioned the "select audience," the rendering of the description of the lovers' paradise "with the very eloquence of music," the "rare excellence" of Miss Morant, and the "great applause" which called the actors before the curtain at the close of the performance.

83. Senate Bill No. 15 provided for the creation of homesteads, and for the recording of declarations, and allowed them to be increased to an indefinite amount. It lost on April 12 by a vote of 36 to 28. (J., 680.)

84. The Assembly desired that the Session be prolonged, but the Senate refused to consider any such action and forced the adjournment on the date originally specified.

85. Senators Gwin and Broderick and Congressmen McKibben and Denver arrived at San Francisco from Washington, D. C., on April 17.

86. The Legislature of 1859 passed 331 bills, as against 357 in 1858. At the closing session of the Assembly, Pixley and Fuller bitterly opposed resolutions praising Speaker Stratton for the "able and impartial manner in which he had discharged the duties of his office," but they were adopted, 40 to 17. The *Alta*, April 20, said: "The closing hour of the session of the lower house was a fitting finale to the disgraceful scenes which have characterized that body almost every day since it convened in January last. . . . During the last hour, criminations and recriminations were freely indulged in, and Speaker Stratton capped the climax in a speech abounding in insulting epithets, and derogatory to the character of a legislator and gentleman. . . . How different the scene in the Senate!"

The fact is that, after adjournment, Speaker Stratton, on a question of privilege, spoke of the vote on the resolution praising him, saying that it was "one of the proudest triumphs" of his life, and adding that "it pleased gentlemen on this floor who are opposed to me politically, to vote against that resolution. It was done probably for political purposes, and I have no doubt in my mind that it was dictated by their master, who, both at this session and the last session of the Legislature, was censured, and whom the people censured at the last election. (Applause and hisses.) . . . The vindictive blow dealt at me today, backed up, as it was, by parties outside, has my most supreme contempt." (*Union*, April 20, 1859.)

87. John Conness represented El Dorado County as a Democrat in the Assemblies of 1855 and 1856, and as an Anti-Lecompton Democrat in those of 1860 and 1861. He was the Douglas Democratic candidate for Governor in 1861, and in 1863 was elected United States Senator, serving from 1863 to 1869. (Cal. *Blue Book*, 1907, p. 578.) Conness was one of the State's leading politicians for many years, and sided with A. A. Sargent in the long intra-Republican-party contest with Pixley. (See Note 25a.)

88. B. B. Redding of Sacramento was Chairman of the Anti-Lecompton Democratic State Central Committee. J. F. Morse, of Sacramento, was Secretary, but was absent and De Long was made Secretary *pro tem.* in his place.

89. Nineteen of the twenty-one members of the committee were present, and a resolution was passed requiring no test of qualifications "other than adherence to the principles of popular sovereignty, absolute non-intervention by Congress, and opposition to the Administration in its extravagant expenditures of the public monies." June 15 was set as the date for the State Convention. (*Union*, April 22, 1859.)

90. The Union Hotel at Sacramento (see Note 34, 1856) was located on Second Street, between J and K, and was conducted on the European plan. The *Union* for May 27, 1856, in its advertising columns, told of its ventilated sleeping apartments, its splendid restaurant under the management of Mr. T. Fogg, its spacious Billiard Saloon with rosewood tables,

and its Bar under the supervision of John Brandt. The house, which consisted of three stories of brick, was built by one Tucker, but J. P. Dwyer soon took it over and remained its proprietor for many years.

91. The California State Library was created by an Act of the first State Legislature, signed by Governor Peter H. Burnett on Jan. 24, 1850. The nucleus of the present collections was a gift of law books from Burnett, California's first civil governor under American rule, and a donation of about one hundred books of a general character from John C. Frémont. It was organized as a reference library for State officials, particularly for the Legislature, and for fifty years there was no legal provision for the circulation or borrowing of books. In 1859 the Sacramento Directory reported that 10,000 volumes were housed on the second floor of Mr. Janson's building at Fourth and J streets, the Directory for the preceding year having spoken of this new structure as possessing an "iron front which will add much to the appearance of that locality." The Supreme Court and the State Library shared the upper story. In 1862 the Directory reported 5,000 volumes in the Law Library and 6,000 other miscellaneous works, housed in rooms at 28 J Street, near Second. At first, the Board of Directors consisted of the Governor, Lieutenant Governor, Comptroller, Treasurer, and Speaker of the Assembly, with the Secretary of State as ex-officio State Librarian. In 1861, however, the appointment of a State Librarian was authorized, the following persons having held that office: William C. Stratton (see Note 6), April 1, 1861, to Jan. 24, 1870; William Neely Johnson (see Note 43, 1857), Jan. 24, 1870, to April 6, 1870; Robert O. Cravens, April 6, 1870, to April 6, 1882; Talbott H. Willis, April 6, 1882, to April 6, 1890; W. Dana Perkins, April 6, 1890, to Oct. 18, 1896; William P. Matthews, Nov. 1, 1896, to April 20, 1897; Edward D. McCabe, April 20, 1897, to April 7, 1898; Frank L. Coombs, April 7, 1898, to April 1, 1899; James L. Gillis, April 1, 1899, to July 27, 1917; Milton J. Ferguson, Aug. 27, 1917, to Oct. 1, 1930; Miss Mabel R. Gillis (daughter of James L. Gillis), Oct. 1, 1930, to date. The library has seen its greatest development since 1900, and has specialized in coöperation with county libraries. Its collections are especially rich in law books, Californiana, and books for the blind, and, after many years under the dome of the State Capitol, it is now housed in the new State Library and Court Building, into which it was moved during 1928.

92. See Note 36, 1857; also Swisher, Carl Brent, *Stephen J. Field, Craftsman of the Law*, Washington, D. C., 1930.

93. De Long was nominated for State Senator at the Yuba County Anti-Lecompton Convention held on June 10. (See Note 112.) He was defeated at the election, however, along with the rest of his wing of the Democratic party.

94. April 26, 1859, had been proclaimed by Jacob L. Van Bokkelen, "Most Worthy Grand Master of the Right Worthy Grand Lodge of the State of California," as a day of "Thanksgiving and Rejoicing" to commemorate the fortieth anniversary of the introduction of the Independent Order of Odd Fellows in the United States. He requested all the brothers to refrain on that day from their usual vocations; and, in common with those in many other California communities, the Odd Fellows of Marysville celebrated the day with considerable pomp and circumstance. The next day the *Union* reported in a special double sheet these several celebrations, and declared that in Marysville the members of the order, led by E. Hamilton, formed in procession in full regalia at ten A. M. and, preceded by a brass band, marched about the town, and thence to the theater, "where a large concourse had assembled, including many ladies." Rev. E. B. Walsworth opened the "exercises" with prayer; Dr. C. A. Hathwell followed with an original poem; a choir sang; Benjamin E. S. Ely delivered a rousing "oration," which was much applauded, and the Rev. G. B. Taylor (see Note 95) pronounced the benediction. (The *Union* printed Ely's address in full.) In the evening the celebration was fittingly concluded with a grand ball in the Pavilion.

95. The Rev. George B. Taylor was pastor of St. John's Episcopal Church at Marysville, 1859-60. An Episcopal Society had been formed here in 1854, and the following year a church was erected at Fifth and E streets. (Marysville Directory, 1858, p. 96. See also T. & W., *Yuba County*, p. 54.)

96. See Note 247, 1858.

97. "Seymour's Ranch" was some nine miles north of Marysville on the west side of the Marysville-Oroville road. Jesse Seymour and his wife Elizabeth (nee Cornell) had a son, Emory, and a daughter, Sarah, later Mrs. Rogers, who lived on the ranch for many years after her parents' death. (Stanwood.) The editor of the *National Democrat*, who was one of the "pic nic" party, waxed most effusive the following day (May 7, 1859), saying, along with a half column of other things: "We mention no names, but if a more lovely collection of feminine beauty was ever assembled, we have never seen it. The freshness of the country air gave rosy color to their cheeks, rich ruby to their lips, and sparkling light to their eyes. Once upon the ground, which was a delightful, green and grassy spot, shaded by embowering trees, upon the banks of the Rio de los [sic] Plumas, near the fine ranch of Mr. Seymour, on the Bidwell Bar Road, . . . — once upon the ground, the fair freight alighted, the horses hitched and the buggies and wagons unloaded, we do not believe that a happier time was ever seen upon earth. . . . To all sorts of frolic and laughter and jouyance [sic],

without check or bounds, did the happy company proceed, till sheer excess of enjoyment overcame the wearied limbs, and each and all sought the respective vehicles which had conveyed them, for rest and repose." The editor adds that the party reached home "with hearts overflowing with the fullness of their gratification." Sarah Seymour was no doubt the "cross-eyed beauty" here mentioned by De Long.

98. *Lucretia Borgia* was a three-act drama adapted from the French of Victor Hugo by J. M. Weston. In the performance mentioned by De Long, Mrs. Estelle McDonald took the part of Lucretia Borgia, with W. H. Brown as Genarro and W. M. Leman as Don Alphonse.

99. *Adrienne Lecouvreur, the Reigning Favorite*, a drama in three acts by John Oxenford, was first produced at the New Strand Theater in London on Oct. 9, 1849. The heroine of the play was the celebrated actress, Adrienne Lecouvreur.

100. "Elida Vineyard,"—how formal! The "Octa" affair was still going strong (see Note 52). but a week later Elida's old-time fascination had again asserted itself and De Long records the matter as "all settled" with her (May 15). The next month witnessed her father's consent to the match (see entry for June 27).

101. This once flourishing town was located on Dry Creek a half mile south of the New York township line. Mining commenced at Rich Gulch near this point in 1852, and two years later Paul Vivasseur built a hotel, store and bar on the site of Frenchtown, which soon became a busy camp, the many French miners of the locality giving the town its name. Although the place was deserted by the miners comparatively early, Vivasseur maintained his establishment, worked an arrastra and made much wine at least as late as 1878. (T. & W., *Yuba County*, p. 89.)

102. The Toll House was located one mile west of the Oregon House in Rose Bar township on the old "George Johnson place." Here one Trip built a small log house in the fall of 1850. In 1879 the Toll House was still maintained by John Walsh. (T. & W., *Yuba County*, pp. 83 and 144.) At this point toll was collected on the road to Brownsville, Dobbins', and points above. (Stanwood and H. D. Eich, *Yuba County Treasurer*.)

103. This was Mrs. Mowatt's play, *Armand, or the Peer and the Peasant*, in which (according to an advertisement in the *Alta*, March 16, 1859) Miss Avonia Jones had appeared at Maguire's Opera House in San Francisco. Miss Jones took the part of Blanche; Mrs. Judah, Madame Babette; Miss Sophia Edwin, Victor, and Mr. Lewis Baker, that of Armand. In the Marysville performance, D. E. Ralton took the part of Armand; W. M. Leman, that of Richelieu, and Mr. Kingsland, that of Louis XVI.

104. See Note 79.

105. The "Dashaway Association" appears to have originated in San Francisco early in 1859 (see *Alta*, May 6, 1859), when Frank E. Whitney, then Chief of the Volunteer Fire Department, persuaded a number of two-fisted, he-drinkers of the Howard Engine Company No. 3 to "dash away" the bottle for a period of six months. Pledges were signed, and the idea swept the city. Former Governor John McDougal (see Note 70) was among those who "took the pledge" at this time. Soon a commodious meeting place known as Dashaway Hall was erected on Post Street, with auditorium, library, reading room and several smaller club-rooms. The *San Francisco Call* for November 24, 1890, states that the first Dashaway Hall in San Francisco was replaced with another, more costly one, in 1877, but that the organization fell into the hands of a small clique which had for its purpose the dividing up among its members of the Society's funds, and was soon heard of no more. "Dashaway Societies" were for a time the rage, and were to be found in all towns of any consequence in the State.

106. See Note 247, 1858.

107. During this period, while her father was Indian agent at Tejon, Elida Vineyard spent much of her time with the Whiteside family at Parks Bar. Mrs. Ninian Whiteside was her sister Carrie. (See Notes 65, 1854, and 32 and 122, 1858.)

108. The primary election held in Marysville on June 7, 1859, was for the election of delegates to the Democratic County Convention which was to meet at the Oregon House on June 10. The *Daily National Democrat* reported on June 8 that J. E. Brophy, S. Stiles, R. W. Pickersgill, Charles Keyser, and Harry Leland were elected delegates from the Second Ward.

109. At the Lecompton County Convention, H. P. Watkins was nominated for State Senator, and C. K. Kungle, B. T. O'Rear, Benjamin P. Hugg, J. M. Crowell and J. Westcott were nominated for the Assembly. (*Union*, June 21, 1859.) The *Daily National Democrat* on June 12 stated of this convention; "This Bogus, Bolting concern was held yesterday at Brownsville and resulted in the election of Weller and Magruder delegates to the Lecompton State Convention, by an average majority of two votes over the Denver and Whitesides [sic] ticket. There was understood to be a combination between Magruder and Haun to defeat Whitesides."

110. Senator Broderick was on the spot this time, prepared, with his friend McKibben, to engineer the Anti-Lecomptonite Convention as might best suit his needs. He was in a tight fix politically, and after the convention, for the first (and last) time in his life, Broderick took the field as a stump speaker.

111. See Note 173, 1858.

112. The Anti-Lecompton convention met in the Congregational Church at Sacramento on June 15, 1859. General Alfred Redington was the popular candidate for gubernatorial nomination, but Broderick had set his heart on another, and so John Currey (who had run unsuccessfully as a Republican against Field for the Supreme Court the year before) was nominated. John Conness (see Note 87) was nominated for Lieutenant Governor; Joseph C. McKibben (see Note 241, 1858) for Congressman (northern district), and S. A. Booker for Congressman (southern district) over James W. Coffroth (see Note 113). Strong anti-administration resolutions were adopted; the dicta of the Dred Scott case were formally repudiated, and a State Central Committee was set up, of which De Long was a member. The Lecomptonites met at the same place a week later and nominated Milton S. Latham (see Note 115) for Governor and John G. Downey for Lieutenant Governor. The Republicans had already (June 8) placed Leland Stanford and James F. Kennedy in nomination for Governor and Lieutenant Governor, respectively. (Davis, *Political Conventions*, Chap. XI; O'Meara, *Broderick and Gwin*, pp. 204-5.)

113. Statesmen's tempers ran high in 1859, and several celebrated duels and near-duels lent a certain brilliancy to the political scene. Joseph C. McKibben (see Note 241, 1858), who later in the same year (September 12) acted as one of Broderick's seconds in the latter's celebrated and fatal duel with Judge Terry, got into difficulty with James W. Coffroth on June 16, 1859. McKibben had just been nominated for Congress by the Anti-Lecomptonites, and Coffroth had failed of nomination for the other Congressional seat (see Note 112). The two men met in a Sacramento restaurant, and Coffroth remarked that the delegates to the Anti-Lecompton State Convention wore Broderick collars, branded with a large letter "B." McKibben arose and declared that he would not allow such language. Coffroth repeated the words and McKibben struck him, Coffroth later sending a challenge, the meeting to be with pistols at ten paces at Nye's Ranch on the Marysville Road some six miles south of Nicolaus and twenty-one miles from Sacramento. Both principals were arrested and, after separate trials, were placed under bond to keep the peace, though McKibben proceeded to the place of meeting. (*Union*, June 18, 1859.) Two days later the matter still was pending in the courts and the Masons were rumored to be attempting to cause a settlement, the *Union* remarking, "It is believed the matter is at an end for the present, although there are some so sanguine as to declare there can be no compromise." On the 21st, the *Union* reported that Justice Coggins had the day before ordered Coffroth to give bonds in the amount of \$3,000 to keep the peace. This was done, T. A. Talbert and L. Sanders, Jr., being the sureties. For an extended account of Coffroth's career, see the memorial volume entitled *An Appreciation of James Wood Coffroth*, by Edward F. O'Day, privately printed for his son, James W. Coffroth, by John Henry Nash, San Francisco, 1926.

113a. Colonel Vineyard, Elida's father, was probably in Sacramento as a delegate to the coming Lecompton Convention.

114. See Note 78, 1857.

115. Milton S. Latham, Lecomptonite, was inaugurated Governor on January 9, 1860; and two days later elected United States Senator. With Broderick dead and Weller effectually shelved, Latham had come to the front in an extraordinary manner. He was declared to have possessed "a very exalted idea of the position he might, by skillful manipulation, occupy" if he could accomplish the division of California and the creation of a new State out of the "cow counties" which would "restore the equilibrium and particularly the supremacy of the South and the slave power" in the National government. (See Note 78 relative to State division.) "No man," said one authority, "ever left California, as its representative in Congress, with a grander idea of what he was to accomplish or a more confident belief that he would accomplish it." (Hittell, Theodore, *History of California*, IV, pp. 260-62.) After the expiration of his term as Senator, Latham engaged in business in San Francisco, and died in New York, March 4, 1882. (Davis, p. 599.)

The expression "Lecomps down in the mouth" refers to the fact that the Yuba County Lecompton convention had instructed its delegates for Weller. (See entry for June 11.)

116. Probably the notable pioneer lawyer and politician, William M. Stewart, who had come to California in 1849 and practised law, first at Nevada City, then at San Francisco (1854), and later (1856 to the fall of 1859) at Downieville. He held a number of county and State offices and became well known as a "two-fisted" district attorney. Late in 1859 he went to the newly-opened Washoe mines, sharing the leadership of the bar in that wild territory with David S. Terry (see Note 9, 1858). He was elected one of Nevada's first pair of Senators, and, with James W. Nye, was sworn in on Feb. 1, 1865, standing strongly behind Lincoln until the latter's death a few weeks later. Stewart lived to a great age, and made and lost several fortunes. In 1908, still active in his practice, he published a volume of picturesque reminiscences. (New York, The Neale Publishing Co.) At one time he and De Long appear to have been in partnership in the practice of law at Virginia City, Nevada.

117. See Note 100.

118. Colonel Vineyard was a strong Gwin supporter. He represented Los Angeles County in the State Senate during the 13th and 14th Legislative sessions, and died at Los Angeles on August 30, 1863.

"THE TWENTY RAREST AND MOST IMPORTANT WORKS DEALING WITH THE HISTORY OF CALIFORNIA"

A Symposium

An inquiry was recently received by this Society from a well-known eastern library, by which we were requested to prepare a list of "the twenty rarest and most important works dealing with the history of California." Although we recognized that this request was somewhat incongruous, in that among the twenty rarest of such works only a few, by some unusual coincidence would be among the twenty most important, we passed the request on to three of the outstanding authorities on the literature of California history: Leslie E. Bliss, Librarian of the Huntington Library at San Marino; Robert E. Cowan, author of *A Bibliography of the History of California*, *A Bibliography of the Spanish Press of California*, and other bibliographical works; and Henry R. Wagner, author of *Spanish Voyages to the Northwest Coast*, and the bibliographies, *California Imprints*, *The Plains and the Rockies*, and *The Spanish Southwest*.

Each of these gentlemen responded with a list of the twenty works which in his opinion fulfilled the conditions of the query. Their individual comments in respect to these lists are of particular interest.

Mr. Bliss wrote:

I am enclosing my list of the twenty rarest and most important books for the History of California. I have taken California to mean what was known in the 40's as Alta California, and have tried to exclude from the list the book which was merely rare and not at the same time particularly important as describing with authority what was known at the time of its publication about certain phases of California life. Newspapers, broadsides, almanacs and directories have also been omitted, though perhaps the two latter classes should receive consideration.

Mr. Cowan said:

To attempt to assemble "the twenty rarest and most important works dealing with the history of California" is not a minor operation. Californiana is vastly more extensive than most historians and bibliographers comprehend. Also what may be the rarest and most important works depends upon the point of view of the historian, bibliographer, book-collector, or book-seller. The historian is not greatly concerned with rarity but does consider the historical values of the works he would use. The collector, generally, is more often impressed with presumed rarity than with features of fundamental history. The average bookseller may be eliminated for reasons sufficiently obvious. The bibliographer should have a wider knowledge. He has approached the subject basically and from a wide range. If his researches have been extensive, they have brought him into direct contact with numerous libraries and sundry collections of books to an extent far greater than that of any other of the classes above mentioned.

Mr. Wagner wrote:

In compiling this I have been obliged to take into consideration the fact that the question put to me contains a contradiction. There is no such thing as the twenty rarest and most important works relating to any subject, for the reason that the most important books on any subject are not usually rare, and the rarest books on any subject are usually of but little importance except from a collector's point of view.

It would be comparatively easy to make a list of the twenty rarest books re-

lating to California, but extremely difficult to make one of the twenty most important books. All of the books that I have put on my list are important, but there are a number which I did not put in which are much rarer, or at least equally rare. For instance, Bidwell's Journal. It of course goes without saying, that there are others more important than some of these, but they do not happen to be rare.

I will not go into the question as to what constitutes importance; that depends upon one's point of view and also of the particular subject under treatment. In such case, the question is one of perspective. To go into such questions would take a book, and when the book was finished probably no one could be found to agree with the conclusions.

In making out such a list another difficulty presents itself, namely, that it is practically impossible to procure some of the books. If one of them came into the market, which is not likely, it would command a price that would put it out of the reach of any library. There is another objection to the inquiry, and that is limiting the list to twenty. No possible list of twenty books of this character could serve any useful purpose.

It is of interest that several works are included in all three of these lists; and it should be noted that where there exist a number of extremely rare works dealing with a single subject (such as the journey across the plains) an attempt has seemingly been made in some instances to select the rarest for this list.

The Publication Committee is gratified at this opportunity to publish the selections of these eminent authorities. We will welcome suggestions from others on this subject, and if space permits will print in forthcoming numbers of this *Quarterly* such other lists as interested persons may see fit to prepare. We would particularly welcome lists which would separate the rarest from the most important. Obviously, it is now an impossibility for even a single library or private collector to procure copies of all of the twenty "rarest" works on this subject in their original form, but it may well be that the most important works are somewhat more generally available, at least in reprint form.—(Ed.)

MR. BLISS'S SELECTION

GEMELING, JOHN GEORGIUS. *Disputatio geographica de vero Californiae situ et conditione*. Marburgi Caltorum: [1739].

TORRUBIA, F. GIUSEPPE. *I Moscoviti nella California o sia dimostrazione della verita' del passo all' America Settentrionale nuovamente scoperto dai Russi* Roma: MDCCLIX.

[COSTANSÓ, MIGUEL.] *Diario historico de los viages al norte de la California de orden del Excellentissimo Señor Marques de Croix, Virrey, y por direccion del Illustrissimo Señor D. Joseph de Galvez. . . . Executados por la tropa destinada á dicho objeto al mando de Don Gaspar de Portolá* Mexico: 1770.

ESTRACTO DE NOTICIAS del Puerto de Monterey, de la mission, y presidio que se han establecido en el con la denominacion de San Carlos, y del suceso de las dos expediciones de mar, y tierra que á este fin se despacharon en le año proximo anterior de 1769. Mexico: 1770.

Issued in both 4° and f°. There is a difference of opinion as to which is the rarer.

REGLAMENTO PARA EL GOBIERNO de la Provincia de California. . . . Mexico: 1784.

[COSTANSO, MIGUEL.] An historical journal of the expeditions by sea and land, to the north of California; in 1768, 1769, and 1770; when Spanish establishments were first made at San Diego and Monte-Rey. From a Spanish MS. Translated by William Reveley, Esq. London: 1790.

[SALES, LUIS.] Noticias de la Provincia de Californias Valencia: 1794.

[GALIANO, DIONISIO ALCALA.] Relacion del viage hecho por las goletas Sutil y Mexicana en al año de 1792 para reconocer el estrecho de Fuca Madrid: 1802-1806.

Apendice: Memoria sobre las observaciones astronomicas a continuacion del viage de las goletas Sutil y Mexicana [Last page] Madrid 1805. Josef de Espinosa.

PATTIE, JAMES OHIO. The personal narrative of James O. Pattie. . . . Edited by Timothy Flint. Cincinnati: Printed and sold by John H. Wood, 1831.

REGLAMENTO PROVICIONAL para el gobierno interior de la Ecma. Diputacion territorial de la Alta California. Monterrey: Impr. de A. V. Zamorano y ca., 1834.

FIGUEROA, JOSÉ. Manifiesto á la Republica Mejicana que hace el general de brigada Jose Figueroa Monterrey: Imprenta de Agustin V. Zamorano, 1835.

LEONARD, ZENAS. Narrative of the adventures of Zenas Leonard Clearfield, Pa.: 1839.

BIDWELL, JOHN. John Bidwell's trip to California, 1841. [St. Louis, Mo.: 1842.]

SAN FRANCISCO, CAL. The laws of the Town of San Francisco. San Francisco: Printed at the office of the Californian, 1847.

LAWS FOR THE BETTER GOVERNMENT OF CALIFORNIA, "The preservation of order, and the protection of the rights of the inhabitants," during the military occupation of the country by the forces of the United States. By authority of R. B. Mason, Col. 1st U. S. Drags. & Governor. San Francisco, Published by S. Brannan, 1848.

CALIFORNIA. Constitution of the State of California. San Francisco: 1849.
Issued both in English and in Spanish; the Spanish edition is probably the rarer.

SAN FRANCISCO, CAL. Proceedings of the Town Council of San Francisco, Upper California. San Francisco: 1849-1850.

A SHORT ACCOUNT of the gold region of California, the long-sought El Dorado. Maysville, Ky. Printed at the Eagle Office, 1849.

TRANSLATION AND DIGEST of such portions of the Mexican laws of March 20th and May 23d, 1837, as are supposed to be still in force and adapted to the present condition of California; with an introduction and notes, by J. Halleck, attorney at law, and W. E. P. Hartnell, government translator. San Francisco: 1849.

LOS ANGELES, CAL. Revised ordinances of the City of Los Angeles. Passed and approved July 31, 1855. Los Angeles: Printed at the "Southern Californian" office, 1855.

MR. COWAN'S SELECTION*

ESTRACTO DE NOTICIAS del Puerto de Monterrey. 1770. 4° (also f° edition). [COSTANSÓ, MIGUEL.] Diario historico de los viages . . . al norte de la California. 1770.

REGLAMENTO PARA EL GOBIERNO de la provincia de Californias. 1784.

[COSTANSÓ, MIGUEL.] An historical journal of the expeditions . . . to the north of California. Translated by William Reveley. London: 1790.

JUNTA DE FOMENTO DE CALIFORNIAS. (8 parts.) 1827.

CARRILLO, CARLOS ANTONIO. Exposicion. 1831.

REGLAMENTO PROVICIONAL para el gobierno interior de la Ecma. Diputacion territorial de la Alta California. Monterey: Zamorano, 1834. 12°.

This is doubtless the rarest of the imprints of the Spanish Press (1833-45), but all are of much rarity.

LEONARD, ZENAS. Narrative, 1839.

BIDWELL, JOHN. Trip to California, 1841. 1842.

RULES AND REGULATIONS for the trade of the Bay of San Francisco. S. Brannan, printer. 1846. Broadside 8½ x 12 in.

SAN FRANCISCO, CAL. Laws of the Town of San Francisco. 1847.

LAWS FOR THE BETTER GOVERNMENT OF CALIFORNIA, "The preservation of order, and the protection of the inhabitants," during the military occupation of the country by the forces of the United States. By authority of R. B. Mason, Col. 1st U. S. Drags. & Governor. San Francisco: Published by S. Brannan, 1848. 68 pp. 8°.

TRANSLATION AND DIGEST of . . . Mexican laws. 1849.

SEYMOUR, E. SANFORD. Emigrant's guide to the gold mines of Upper California. 1849.

Perhaps the rarest of several others of this class.

HALL, J. L. Around the Horn in '49. Journal of the Hartford Union Mining and Trading Company. 1849.

KELLER, GEORGE. A trip across the plains. 1851.

Of this class, Keller is apparently the rarest. Others nearly so are Child, Ingalls, Aldrich, Miles, Wood, Udell and some others.

BIGLER, JOHN. Governor's special message [with reference to Chinese and coolies in California]. Sacramento City: April 23, 1852. [Democratic State Journal job office.] Broadside. Small fol. Also printed in pamphlet form, Sacramento, 1852. 12 pp. Sm. 8°.

This is the beginning of a very notable feature of California history.

RIDGE, JOHN R. The life and adventures of Joaquin Murieta, the celebrated California bandit. By Yellow Bird. San Francisco: 1854. 91 pp. 8°.

[GRAY, H. M.] Judges and criminals. History of the Vigilance Committee of San Francisco. 1858.

MORGAN, MARTHA M. A trip across the plains in the year 1849. San Francisco: 1864. Tit., 31 pp. 8°.

This is of equal rarity with Keller and that class.

*The abbreviated titles may be found fully described in *A Bibliography of California and the Pacific West, 1510-1906*, by Robert Ernest Cowan.

MR. WAGNER'S SELECTION

- TORQUEMADA, JUAN DE. *Monarchia Indiana*. Madrid: 1615.
Contains an account of the Vizcaino expedition.
- [COSTANSÓ, MIGUEL.] *Diario Historico*. Mexico: 1770.
- REGLAMENTO PARA EL GOBIERNO de la Provincia de Californias. Mexico: 1784.
- PALÓU, FRANCISCO. *Relacion historica de la vida . . . Junipero Serra*. 1787.
- [GALIANO, DIONSIO ALCALA.] *Relacion del viage hecho por las goletas Sutil y Mexicana*. 1802.
- GUZMAN, JOSÉ MARIA. *Breve noticia que da al supremo gobierno del actual estado del territorio de la Alta California*. Mexico: 1833.
- REGLAMENTO PROVICIONAL para el gobierno interior de la Ecma. Diputacion territorial de la Alta California. Monterey: 1834.
- REGLAMENTO PROVICIONAL para la secularisacion de las misiones de la Alta California. Monterey: 1834.
- DUHAUT-CILLY, A. *Voyage autour du Monde*. Paris: 1834.
- [DECLARATION OF INDEPENDENCE in Monterey, 1836.]
- LEONARD, ZENAS. *Narrative of the adventures of Zenas Leonard*. Clearfield, Pa.: 1839.
- DUFLLOT DE MOFRAS, EUGÈNE. *Exploration du territoire de l'Orégon, des Californies, etc.* Paris: 1844.
- HASTINGS, LANSFORD W. *The emigrants' guide to Oregon and California*. Cincinnati: 1845.
- [ROBINSON, ALFRED.] *Life in California*. New York: 1846.
- WIERZBICKI, F. P. *California as it is and as it may be*. San Francisco: 1849.
- WARE, JOSEPH E. *Emigrants' guide to California*. St. Louis: 1849.
- CALIFORNIA. *Constitution of California*. San Francisco: 1849.
- [DELEVAN, JAMES.] *Notes on California and the placers*. New York: 1850.
- CARSON, J. H. *Early recollections of the mines*. Stockton: 1852.
- HAWES, HORACE. *The missions in California, and the rights of the Catholic Church to the property pertaining to them*. San Francisco: 1856.

REVIEWS AND NOTICES

Anza's California Expeditions. By Herbert Eugene Bolton. Berkeley: University of California Press, 1930. 5 vols., illustrations, facsimiles and maps. 8vo.

Vol. 1. An outpost of empire. xxi+529 pp.

Vol. 2. Opening a land route to California. Diaries of Anza, Diaz, Garcés, and Palou. xii+433 pp.

Vol. 3. The San Francisco colony. Diaries of Anza, Font, and Eixarch, and narratives by Palou and Moraga. xxi+436 pp.

Vol. 4. Font's complete diary of the second Anza expedition. xiii+552 pp.

Vol. 5. Correspondence. xviii+426 pp.

The world has seen great explorers come and go, and the greatest of these were the Spaniards. As New Spain pushed northward from Mexico it found itself hampered by the difficulties of defending and supplying an ever-lengthening line of frontier—the scattered settlements of Florida, Louisiana, Texas, New Mexico, and California. One by one those were cut off without seriously affecting the integrity of the colonies to the south. Spanish dominion in North America reached its peak with Anza's establishment of the pueblo of San Francisco—the farthest flung outpost of Spain on this continent.

Backed by a wealth of new documentary material and fortified by a first-hand knowledge of the desert trails, Professor Bolton has produced a definitive account of Anza's achievements. Bancroft disposes of Anza in twenty-one pages. Eldredge increases this to ninety-five. Of the two Anza expeditions "thirteen diaries were kept, of which only two have been printed in any language. In addition, Father Garcés wrote a brief account of the first journey which is essentially another diary. Of the fourteen documents twelve are printed here for the first time and one is reprinted." So there is no lack of sources, most of which Bancroft never obtained. In his first volume Bolton gives a masterly summary of the detailed matter included in the other four. And prefacing this summary is a most interesting resumé of the results of the Spanish conquest of North and South America. Here it is vividly shown that Spain regarded her most northern colonies as nothing but a fringing frontier. She treated them accordingly.

Anza was born on this frontier, in what is now Tubac, Arizona. His father and his grandfather were fighting Indians in Sonora before Daniel Boone had crossed the Alleghanies. His father was killed in battle with the Apaches. From the Pimas Anza learned of the possibility of a land route to the coast. With ardent zeal and the self-confidence of a true frontiersman he suggested the scheme to Galvez, Viceroy of Mexico, and was finally given charge of the first overland expedition to California. Successful in this, he led out a second with women and children, friars and leather-coated soldiers—the nucleus of the first white settlement on the shores of San Francisco Bay.

His uncommon skill as an organizer and leader of men under great hardship and difficulty carried his expeditions through the deserts of Sonora, down the

Gila, across the great Colorado in the vicinity of Yuma, through the sand-dunes and waterless wastes of the Colorado Desert and into the mountains of Southern California. He placated the unruly Yumas and rival military leaders in California. His monument is the "City by the Golden Gate," his records, the documents preserved in these volumes.

CHARLES L. CAMP.

Stephen J. Field, Craftsman of the Law. By Carl Brent Swisher.
Washington, D. C.: The Brookings Institution, 1930. viii, 473 pp.,
illustr.

Until the publication of Dr. Swisher's biography, no separate work dealing with the career of Justice Field had appeared since his *Personal Reminiscences of Early Days in California* were printed in 1893 "for a few friends." This, together with *Some Account of the Work of Stephen J. Field as a Legislator . . . With an Introductory Sketch by John Norton Pomery*, has acquired a certain collectors' sanctity, and the appearance of Swisher's study of the turbulent California pioneer's life is therefore of importance, albeit not greatly increasing Field's stature either as a man or as a jurist. Fortunately, the author has eschewed both of the usual biographer's faults — idolatry and scandal-mongering. He has attempted to set forth his subject as he really existed — brilliant, somewhat erratic, conservative, opinionated, ambitious, energetic and on the whole an able public servant. The hoary scandals advertised by Judge Terry and his friends find their proper place — mentioned but not over-emphasized. Field's early day career, his undoubted services to California jurisprudence, his important decisions on the Nation's highest bench, the place of his social opinions in the realm of philosophical economics, his disastrous fiasco in national politics, the tragic Sharon-Terry-Sarah Althea Hill episode, all are given a place. On the whole the picture is none too beautiful, and Field emerges from the study rather the worse for the spotlight which Dr. Swisher turns upon him.

CARL I. WHEAT.

WESTERN HISTORY

A Check List of Recent Items Relating to California and the West*

BANNING, CAPT. WILLIAM, AND GEORGE HUGH

Dust of the "Swift-Wagon." [The Butterfield stages and the Southern Overland Mail.] *Touring Topics*, February, 1930.

BARD, CEPHAS L.

Medicine and surgery among the first Californians. *Touring Topics*, January, 1930. [A reprinting of Doctor Bard's original pamphlet, *A contribution to the History of Medicine in Southern California*.]

BARI, VALESKA [Compiler]

The course of empire. First hand accounts of California in the days of the gold rush of '49. New York: Coward-McCann, Inc., 1931. [Includes accounts by Captain José Fernandez, General Vallejo, James Marshall, W. G. Johnston, J. W. Audubon, Daniel B. Woods, Dr. J. D. S. Stillman, John M. Letts, Peter H. Burnett, Eliza W. Farnham, Stephen J. Field, William Taylor, L. H. Bunnell, Ernest De Massey, James Stuart, and William T. Coleman. [The Fernandez narrative has not been previously published.] 368 pp. Illust. 8vo.

BELDEN, JOSIAH

The first overland emigrant train to New California. *Touring Topics*, June, 1930. [Belden was a member of the Bidwell party of 1841.]

—Pastoral California. *Touring Topics*, July-August, 1930.

BELDERRAIN, FRANCISCA LOPEZ

First gold in California [at Placerito Canyon in 1842]. *Touring Topics*, November, 1930.

BLEGEN, THEODORE C.

California-Gull og Brasiliansk Kolonisasjon. [California gold and Brazilian colonization.] In *Nordmands-forbundet* [Oslo, Norway], special julehefte 1930, pp. 45-48. [This account, based upon Norwegian archival and newspaper materials, deals with an organized party of Norwegian gold-seekers who, backed by a special company of share-holders, purchased a vessel and in 1850 set off from Norway for California. They were stranded at Rio de Janeiro after their vessel was condemned as unseaworthy and they then established a settlement in Brazil. Many of them eventually succeeded in reaching California.]

BROMILOW, JESSIE

At home with Don Pio Pico. *Touring Topics*, January, 1931.

BRYAN, EDNA

Swan of Erin. How Kate Hayes won the heart of old San Francisco. *Touring Topics*, December, 1930.

BURNHAM, ALONZO MASON

I knew Vasquez. *Touring Topics*, July, 1930.

—The real Joaquin Murietta. *Overland Monthly*, February, 1931. [It is claimed that Murietta escaped to Mexico and was killed there in one of the revolutions.]

*Readers will confer a favor by furnishing out-of-the-way items for notice in this department. We shall cite books, pamphlets, broadsides, magazine and important newspaper articles of historical value. Send to the Secretary of the Society the items themselves or a card with the title written in the form used here. — Charles L. Camp.

CANSE, JOHN M.

Pilgrim and pioneer: dawn in the Northwest. New York: Abingdon Press, 1930. 306 pp. Illust. 12mo. [Jason Lee and the Oregon Country.]

CAREW, HAROLD D.

Don of the archives [Dr. Max Farrand]. *Touring Topics*, December, 1929.

—Arbiter elegantarium in the realm of California Books. *Touring Topics*, January, 1930. [A pleasant interview with Robert Ernest Cowan.]

CESAR, JULIO

Recollections of my youth at San Luis Rey Mission. *Touring Topics*, November, 1930. [The reminiscences of an Indian.]

CHRISTMAN, ENOS

One man's Gold. The letters and journals of a forty-niner. Compiled and edited by Florence Morrow Christman. New York: Whittlesey House, 1930. Frontis., 278 pp.

COLTON, WALTER

Three years in California. *Monterey Herald*, beginning April 29, 1929, and every Saturday thereafter. [A reprint of Colton's famous book.]

CONNOR, E. PALMER

Los Angeles' first auction. *Touring Topics*, December, 1929.

—Metropolitan Los Angeles in '49. *Touring Topics*, May, 1930.

COOLBRITH, INA

Retrospect, "In Los Angeles." Los Angeles: Ampersand Press, 1930. [With note by the printer, Arthur M. Ellis.]

COOLIDGE, DANE, AND MARY ROBERTS

The Navajo Indians. New York: Houghton Mifflin Co., 1930. x+316 pp. Illust. 8vo. [History, religion and culture of the tribe from information secured at first hand during a period of 18 years.]

COY, OWEN C.

The Humboldt Bay Region, 1850-1875. A study in the American colonization of California. Los Angeles: The California State Historical Association, 1929. 346 pp. Illust. 8vo.

DELAMETER, JOHN A.

My 40 years pulling freight. *Touring Topics*, August, 1930. [Ore and borax freighting as it used to be on the Mojave Desert.]

DRURY, WELLS [Compiler]

Three pioneer ballads. San Francisco: privately printed, 1931. [10 pp.] 10mo. [The Days of 'Forty-nine," "Baldy Green," and "Joe Bowers"; with an introduction by Mr. Drury.]

DUNN, H. H.

Tracing the Pueblos to the Pacific. *Touring Topics*, October, 1930. [Newly discovered sites in Nevada and California.]

EVERMANN, BARTON WARREN

David Starr Jordan, the man. *Copeia* [University of Michigan, Museum of Zoology], December, 1930.

FAIRBANKS RALPH J. ("DAD")

My 73 years on southwestern deserts. *Touring Topics*, June, 1930. [A fine narrative.]

FLINT, TIMOTHY

The personal narrative of James O. Pattie of Kentucky. Chicago: The Lakeside Press, 1930. [With introduction and footnotes by Milo Milton Quaife. Published for presentation as a Christmas gift.]

GOODWIN, GEORGE

Vancouver, a life, 1757-1798. New York: Appleton and Co., 1931. x+308 pp. Illust. 8vo. [Includes a documentary appendix.]

GORBY, JOHN S.

Prison days on the Arizona frontier. *Touring Topics*, December, 1929.

HESS, CHESTER NEWTON

"Moccasin Joe" [Grizzly bears and Grizzly Adams]. *Touring Topics*, May, 1930.

HALL, ANSEL F.

Yosemite Valley, an intimate guide. Berkeley: National Parks Publishing House, 1929. 80 pp. 12mo. [The first edition was published in 1920.]

—A Guide to Sequoia and General Grant National Parks. Berkeley: National Parks Publishing House, copyright by the author, 1930. 151 pp. Illust. 12mo. [The first edition was published in 1921.]

HARRIS, FRANK ("SHORTY")

Half a century chasing rainbows. *Touring Topics*, October, 1930. [A prize specimen of "prospector's talk" by the discoverer of the Bullfrog-Rhyolite district.]

HART, JEROME

In our Second Century. From an editor's note-book. San Francisco: The Pioneer Press, 1931. Frontis., 454 pp. 8vo.

HAYDEN, IRWIN

Nevada cavemen. *Touring Topics*, February, 1930.

HILL, JOSEPH J.

Spanish and Mexican exploration and trade northwest from New Mexico into the Great Basin 1765-1853. *Utah Historical Quarterly*, January, 1930. [Treats of a phase of Spanish exploration little understood and never before so fully presented.]

—Antoine Robidoux, kingpin in the Colorado River fur trade, 1824-1844. *The Colorado Magazine*, July, 1930.

—Free trapper, the story of old Bill Williams. *Touring Topics*, March, 1930.

—Taos in the earlies. *Touring Topics*, December, 1930.

HUBBELL, JOHN LORENZO

Fifty years an Indian trader. *Touring Topics*, December, 1930. [Hubbell's trading-post is one of the landmarks of the Navajo country.]

HUSTON, FLORA BELLE

When the Mormons settled San Bernardino. *Touring Topics*, April, 1930.

JOHNSTON, PHILIP

El Pueblo de las Canoas. *Touring Topics*, June, 1930. [Ventura County.]

—Legends and landmarks of '49 along the Mother Lode. *Touring Topics*, February, 1931.

KELLY, CHARLES

Jedediah Smith on the Salt Desert Trail. *Utah Historical Quarterly*, January, 1930.

KULL, IRVING STODDARD

The New Brunswick [New Jersey] Forty-niners. *Proc. N. J. Hist. Society* (new series), Vol. 10, January, 1925. [Reprinted in *Rutgers Alumni Monthly*, Vol. 4, May, 1925.]

LAWRENCE, ELEANOR

On the Old Spanish Trail. *Touring Topics*, November, 1930.

—Horse thieves on the Spanish Trail. *Touring Topics*, January, 1931.

LE CONTE, JOSEPH

A journal of ramblings through the High Sierra of California by the University excursion party. San Francisco: Sierra Club, 1930. x+152 pp. Illust. 8vo. [A reprint of the original edition of 1875. Edited by Francis P. Farquhar.]

LOTHROP, LYDIA

The noblest Roman [General M. G. Vallejo]. *Touring Topics*, February, 1931.

LUGO, JOSÉ DEL CARMEN

The days of a rancher in Spanish-California. *Touring Topics*, April, 1930. [Translated by Nellie V. Sanchez from the original manuscript in the Bancroft Library.]

McDOUGALL, JOHN

Looking backward over the old trail. *Salinas Index-Journal*, beginning June 28, 1930, and every Saturday thereafter. [McDougall was born in Santa Barbara in 1855.]

MACMILLAN, JENNIE STURTEVANT

Memories of pathfinders. University of Nevada, 1931. 16 pp. [A short letter regarding some of the Comstock and Washoe pioneers.]

MEREDITH, GRACE E.

Girl captive of the Cheyennes. Los Angeles: Gem Publishing Co., 1927. xv+123 pp. Illust. 10mo. [A modest narrative of a terrible frontier tragedy as told by one of the victims, Catherine German.]

MILLER, JOAQUIN

Overland in a covered wagon. New York: Appleton and Co., 1930. 130 pp. Illust. 10mo. [An autobiography, edited by Sidney G. Firman.]

PIERCE, HIRAM DWIGHT

A Forty-niner speaks. Oakland: Keystone-Inglett Co., copyright by the editor [Sarah Wiswall Meyer], October, 1930. 74 pp. Illust. 8vo. [The diary of a trip via Panama to the mines in 1849-51 and return across Nicaragua. The "first edition" of 84 copies, dated October, was placed on sale simultaneously with a second printing dated November.]

PLEASANTS, J. E.

Los Angeles in 1856. *Touring Topics*, January, 1930.

—Ranging on the Mojave River in 1864. *Touring Topics*, March, 1930.

—The rout of the horse thieves. *Touring Topics*, April, 1930. [On the Los Angeles-Salt Lake Trail in the 40's.]

—An unsung hero of the Pony Express. *Touring Topics*, May, 1930.

POST, LOUIS F.

The prophet of San Francisco [Henry George]. New York: Vanguard Press, 1931. 352 pp. 8vo.

READING, PIERSON BARTON

Biography and overland journal of P. B. Reading. *Quarterly of the Society of California Pioneers*, Vol. 7, September, 1930. [An important record of an overland journey in 1843.]

REYES, JACINTO DAMIEN

Thirty years fighting fires in our forests. *Touring Topics*, July, 1930.

SWISHER, CARL BRENT

Motivation and political technique in the California Constitutional Convention, 1878-79. Claremont: Pomona College, 1930. 132 pp. 8vo.

THOMPSON, ALBERT W.

Thomas O. Boggs, early scout and plainsman. *The Colorado Magazine*, July, 1930. [Companion of Kit Carson and California pioneer.]

TORRE, ESTEVAN DE LA

Pre-American Monterey. *Touring Topics*, October, 1930. [Includes detailed descriptions of early costumes.]

TORRES, MANUEL

Incidents of life in young California. *Touring Topics*, May, 1930. [Translated by Nellie V. Sanchez from the original manuscript in the Bancroft Library.]

[TOWNE, ARTHUR W.]

Pioneers in paper. The story of Blake, Moffit & Towne. Published in commemoration of the organization's seventy-fifth anniversary. [San Francisco:] 1930. 52 pp. Illust. Large 8vo.

WALGAMOTT, C. S.

Reminiscences of early days. A series of historical sketches and happenings in the early days of Snake River Valley. Twin Falls, Idaho: Press of the *Idaho Citizen*, copyright by the author. Vol. 1, 1926, 127 pp.; Vol. 2, 1927, 128 pp. Illust. 8vo. [Some unusual local matter.]

WARE, CATHERINE

The three cities of Taos. *Touring Topics*, April, 1930.

WARREN, HERBERT O.

Journeys to the homes of famous Californians. San Francisco: S. F. *Examiner*, 1927. 52 pp. Illust. 10mo. [A pamphlet illustrated by G. G. Patri.]

WATSON, DOUGLAS S.

The Curse of Gold. San Francisco *Daily News*, beginning Sept. 15, 1930, and daily thereafter. [The dramatic career of John A. Sutter.]

WETHERILL, BENJAMIN A.

How I found the Mesa Verde ruins. *Touring Topics*, February, 1931.

WOLCOTT, MARJORIE T.

The Lugos and their Indian ally. *Touring Topics*, December, 1929.

MEETINGS OF THE SOCIETY

"More Yerba Buena Days" was the subject of Mr. Douglas S. Watson's talk at the luncheon meeting of December 30, 1930; a sequel to his discussion, "Yerba Buena's Village Days," given November 19, 1929. Among the early day characters mentioned were "Jack" (Juan Casimero) Fuller, William H. Davis, Nathan Spear, William S. Hinckley, and John Henry Brown. Fuller's activities as laundryman, butcher, cook and promoter of feasts in the infant San Francisco were discussed at some length, especially the livestock purchase by Fuller and Spear from Capt. Gorham H. Nye of the American ship *Fama* which led to the change of name of the island in San Francisco Bay from Yerba Buena to Goat Island. Mr. Watson drew a picture of the physical appearance of the town as it was in 1840-45, and closed his talk with the reading of Alcalde Bartlett's order of January, 1847, by which the town's name was changed from Yerba Buena to San Francisco.

The Society held its annual business meeting in connection with its monthly luncheon meeting on Friday, January 23, 1931. After the business meeting, Mr. Robert Ernest Cowan addressed the Society on "Alexander S. Taylor, the First Bibliographer of California." He sketched Mr. Taylor's career in California and then reviewed his first contributions to the bibliography of the State and told of the destruction in the fire of 1906 of his curious original copy. He also gave an account of his writings for various publications and assigned relative importance to a number of articles in the *California Farmer*. In conclusion he spoke of Taylor's later days near Santa Barbara and paid him a tribute for his faithful adherence to his quest for the facts concerning our early history.

ANSON S. BLAKE.

"Life in the California Mines, 1851-52," was the title of the paper Mr. Anson S. Blake read at the luncheon meeting of February 17, 1931. The subject-matter was almost entirely made up of excerpts from letters written by Mr. Blake's father, Mr. Charles T. Blake, and from the diary of Mr. Charles T. H. Palmer. The daily life of the miner in the Nevada City district was painted with a vividness which only an educated eye-witness could have set down; the detail of the methods of gold digging were explained with exactness and the impression was given that to most of the seekers after wealth during the Gold Rush the results were hardly good wages. This second talk of Mr. Blake's drawn from the same sources possessed information which most writers of the time (1849-53) slide over, evidently feeling that such common, every day matters as the how and why of gold recovery is known to all. The charm of the Blake letters and the Palmer diary is the atmosphere they create of the life of the gold regions at the height of the gold excitement. There are too few sources where such is available.

DOUGLAS S. WATSON.

ANNUAL MEETING

Before the address of Mr. Cowan the minutes of the last annual meeting were read and the election of Directors for the year 1931 took place, the following being elected: Mr. Anson S. Blake, Mr. Charles L. Camp, Mr. Allen L. Chickering, Mr. Frederick C. Clift, Mr. Robert E. Cowan, Mr. Templeton Crocker, Mr. Sidney M. Ehrman, Mr. Francis P. Farquhar, George D. Lyman, M.D., Mr. C. O. G. Miller, Mr. E. J. Molera, Mrs. Helen Throop Pratt, Mr. D. Q. Troy, Mr. Douglas S. Watson, and Mr. Carl I. Wheat. The Report of the Secretary and Treasurer was then read, as follows:

REPORT OF THE SECRETARY AND TREASURER
For the Year Ending December 31, 1930

Membership

On January 1, 1930, we had 378 members. In the last Annual Report the membership was given as 379, but a death that occurred in 1929 was not reported until 1930.

Members January 1, 1930.....	378
Elected 1930 (active 60, patron 1).....	61
	439
Resigned	13
Dropped for non-payment of dues.....	8
Died (10 active, 1 patron).....	11
	32

Total membership December 31, 1930..... 407 Net Gain—29

We have lost by death during the year two members of the Board of Directors—Hon. James D. Phelan and Mr. Boutwell Dunlap.

Meetings

Seven Directors' meetings were held during the year, and the Society held eleven luncheon meetings, the first of which included the annual business meeting. The luncheon meetings were as follows:

Jan. 24	"Mormons in California," Dr. Charles L. Camp.
Feb. 25	"Some California Politics about 1860," Mr. George T. Clark.
Mar. 25	"Recollections of Contra Costa in Early Days," Mrs. Olivia Castro Scott, Mr. James Tennent, and Mr. D. Q. Troy.
April 29	"San Francisco," Mayor James Rolph, Jr.
May 20	"The Golden Crucible," Mr. Blake Ross.
June 24	"The Romance Period of California History," Hon. William H. Waste.
Aug. 26	"Pushing the Frontier Westward," Miss Mary Floyd Williams.
Sept. 23	"The Pioneer Miner and the Pack Mule Express," Mr. Ernest A. Wiltsee.
Oct. 21	"Prehistoric California," Dr. Ralph W. Chaney.
Nov. 25	"The Post Gold-Rush Era in California," Mr. Carl I. Wheat.
Dec. 30	"More Yerba Buena Days," Mr. Douglas S. Watson.

Exhibition

The Society held one exhibition during the year 1930, from September 8 to September 13, made up entirely of the collection of Mr. Frederick C. Clift. The exhibit attracted a great deal of attention from the public and elicited favorable comment.

Gifts and Loans

For gifts and loans of books, pamphlets, pictures, manuscripts, maps, and other historical items, received during the year 1930, the Society is indebted to the following:

Mrs. T. G. Akers, Miss Lucy H. Allyn, Mr. George William Beattie, The Brookings Institution, California State Historical Association, Dr. Charles L. Camp, Mrs. John B. Casserly, Dr. Carlos E. Castañeda, Caterpillar Tractor Co., Mrs. C. B. Coleman, Mr. Albert Dressler, Mrs. S. E. Dutton, Mr. Sidney M. Ehrman, Mrs. Margaret D. Fitzgerald, Miss Lutie Goldstein, Miss Laurilla M. Hathaway, Archives of Hawaii, Mrs. Belle Chapman Hawley, Mrs. George G. Heye, Miss Dorothy Huggins, Miss Stella Huntington, Mr. Edward Jesurun, Kansas State Teachers College, Mr. Thomas Kearny, Mr. Charles Kelly, Miss Callie M. Kerlinger, Miss Sarah Louise Kimball, A. T. Leonard, Jr., M.D., Library of Congress, Mr.

William Ensign Lincoln, Mr. Charles Little, Mrs. Harriet Nesmith McArthur, Mr. Orra E. Monnette, Miss Eleanor O'Brien, Miss Kate Heath Maher, Mechanics Institute, Mrs. Millicent Nye Meriweather, Mr. Leonard M. Patton — Pres. Milton Historical Society, Miss Elizabeth Peck, Hon. James D. Phelan, Miss H. Phillips, J. Marion Read, M.D., Mr. H. B. Restarick, Mr. Marcian Rossi, San Francisco Police Department, Mrs. Olivia Castro Scott, Mr. John H. Schafer, Sierra Club, Society of California Pioneers, Mr. H. S. Taber, Mrs. C. L. Tilden, Mr. D. Q. Troy, University of Colorado, University of Pennsylvania Library, University of Pennsylvania Press, Vermont Historical Society, Mr. Robert Walsh, Westerner Publishing Co., Mrs. Charles Stetson Wheeler, Mr. Ernest A. Wiltsee, Rev. Henry Woods, S.J., Miss Lottie G. Woods, Yale University Press.

Mr. Templeton Crocker's collection of books, manuscripts, maps and pictures is continually at the service of the Society at its rooms.

We are indebted to Mrs. Robert B. Henderson, Mr. Sidney M. Ehrman, and Mr. C. O. G. Miller for gifts of \$250.00 each made to the Society to cover the increased cost of publication of the *Quarterly* during the year.

Financial

The receipts and disbursements of the Society for the year were as follows:

Cash on hand, January 1, 1930..... \$ 617.85

Receipts during 1930:

Dues of Patron Members.....	\$1,900.00	
Back Dues of Patron Members.....	300.00	
Dues of Active Members.....	3,610.00	
Back Dues of Active Member.....	10.00	
Advance Dues of Active Members.....	240.00	
Sale of Quarterlies.....	189.00	
Sale of Pamphlets.....	29.00	
Mimeographed List	1.00	\$ 6,279.00

Sale of Special Publications:

Clyman, De Massey, Hollingsworth.....	\$ 42.67	
Spanish Voyages	1,535.16	\$1,577.83

From Templeton Crocker toward rental.....	900.00	
Gifts from other sources.....	750.00	\$ 3,227.83
		\$10,124.68

Disbursements:

Rental	\$2,700.00	
Salary of Cor. Sec'y and substitute.....	1,800.00	
Telephone	67.23	
Stationery and office supplies.....	101.96	
Luncheon Meetings	184.19	
Exhibition	88.50	
Quarterly	2,797.22	
Miscellaneous printing and multigraphing.....	17.20	
Taxes	27.58	
Furniture	65.85	
Cleaning curtains	15.00	
Postage and miscellaneous.....	129.65	\$ 7,994.38

Spanish Voyages	213.99	
Paid S. M. Ehrman on loan.....	1,690.00	\$1,903.99

On hand December 31, 1930:

Due S. M. Ehrman for publications sold.....	\$ 209.04	
On hand in general fund.....	17.27	\$ 2,130.30
		\$10,124.68

The past year represents a gain in both income and disbursements so far as our current activities are concerned. Our receipts from dues, sale of *Quarterlies*, pamphlets, and other current receipts represent an increase of four hundred dollars over last year, but our current expenditures show an increase of eight hundred and fifty dollars. Thanks to the generosity of Mrs. Henderson, Mr. Ehrman and Mr. Miller, we have avoided a deficit for the year. Mr. Templeton Crocker has continued to pay one-third of the Society's rental. Sales from the Publication Fund totalled \$1577.83, and we have been able to repay Mr. Ehrman on his

loan to the Publication Fund, noted in last year's report, the sum of \$1690.00 besides paying the few remaining bills and the expressage charges on the sales of *Spanish Voyages*. On December 31, 1930, we had in cash toward the extinction of this fund, \$209.04, so that the sale of nine more copies of *Spanish Voyages* would release the Publication Fund from any indebtedness and leave us 174 copies of *Spanish Voyages* and a number of copies of the Hollingsworth Journal and a few of the De Massey Journal representing the Publication Fund of the Society. This means a slight revision of last year's report. We should in time have a small profit for the fund from the sale of *Spanish Voyages*.

Respectfully submitted,

ANSON S. BLAKE,

Secretary and Treasurer.

NEW MEMBERS

Akers, Mrs. T. G., Oakland
 Akers, Miss Toma E., Oakland
 Backus, Miss Joyce, San Jose
 Bee, Everett N., San Francisco
 Columbia University Library, New York
 Davenport, Miss Eleanor M., San Francisco
 Detroit Public Library, Detroit, Mich.
 Felton, Mrs. Charles N., San Francisco
 Graham, Miss Alexandria de Lafayette, San Francisco
 Gunn, Dudley B., San Francisco
 Hill, Mrs. Harry, San Francisco
 Hoeber, Harold H., San Francisco
 Jewett, Mrs. Robert E. Lee, San Francisco
 Macdonald, Augustin S., Oakland
 McInerney, John Arthur, Los Angeles
 McKee, Mrs. Albert, Woodside
 Meriwether, Mrs. Millicent Nye, Oakland
 Newberry Library, The, Chicago, Ill.
 Palmer, Mrs. Silas H., San Francisco
 Runde, Winfield Scott, Oakland
 Sacramento Junior College, Sacramento
 Tennessee State Department of Education, Nashville, Tenn.
 Treanor, John, Los Angeles

AN OMISSION

Mr. Lewis A. McArthur has called our attention to the fact that the article by T. C. Elliott entitled "Camels in the Inland Empire," which appeared in the June, 1929, number of the *Oregon Historical Quarterly* (Vol. XXX, No. 2) should have been included in "A Contribution toward a Bibliography of the Camel" in the last number of our *Quarterly*.

IN MEMORIAM

BOUTWELL DUNLAP

Boutwell Dunlap was born in Sacramento, November 14, 1877, the son of William and Sarah Jane Dunlap, one of the most prominent pioneer families of California. He died suddenly on December 22, 1930. Mr. Dunlap was graduated from the University of California in 1901, when he received the degree of Bachelor of Law; also from the Catholic University of America, receiving the degree of Bachelor of Law in 1905 and that of Master of Law in 1910. He was admitted to the California Bar in 1907 and practiced in San Francisco. From 1909 to 1916 he was Consul for the Argentine Republic in San Francisco and had been an Honorary Consul for that nation since 1917. He was also a Lieutenant Governor for California of the Society of Colonial Wars, a Director of the California Historical Society, Historian of the Sacramento Society of California Pioneers, National Historian of Kappa Sigma, and a member of Delta Chi. He was also the author of several historical books, among them *The Warwicks of the West* and (with Robert E. Cowan) *Bibliography of the Chinese question in the United States*; and also of many historical brochures and magazine articles.

He was a historian in the highest sense of the word. A deep student, no slightest detail was ever allowed to escape his penetrating notice. He was the undoubted authority on California History as far as the "Mining Regions" were concerned. But it was probably as a genealogist that he attained his greatest fame, and where his loss will be most seriously felt. His unfaltering love and devotion to the truth were signal qualities in the eminence that he attained in this pursuit.

Mr. Dunlap was never married. He was buried with the flag of the Argentine Republic, which he had so loyally served, draping his casket, and the touching eulogy pronounced by the Argentine Consul General, Juan C. Godoy, will always be remembered by those who heard it as a most fitting tribute to his life and the estimation in which he was held by his fellow men.

ERNEST A. WILTSEE.

CLEORA M. WHITNEY HEWLETT

Cleora M. Whitney was born in Fort Fairfield, Maine, on January 1, 1854. In 1856 the family removed to Minnesota, and from there came to California in the winter of 1861, via New York, the Isthmus of Panama, and San Francisco, and settled in Petaluma, Sonoma County. Her education was in private schools and in St. Mary's Episcopal School in Benicia. In July, 1873, she was married to Frederick Hewlett, and until about 1917, when they settled permanently in San Francisco, they lived some of the time in Berkeley and part of the time in San Francisco and on their ranch in Napa County. Mrs. Hewlett was a member of the Town and Country Club of San Francisco, the Daughters of the American Revolution, Founders and Patriots Society, National Society of Colonial Dames,

California Historical Society, and was a charter member of the Century Club of San Francisco. She passed away on August 23, 1930.

ALFRED HOLMAN

With the death of Alfred Holman (December 14, 1930), California and the Pacific Coast lost one of its most outstanding and widely known editors and a citizen of high standing. He gained his chief fame during the seventeen years that he edited the San Francisco *Argonaut*, proving a worthy successor to its illustrious founder, Frank M. Pixley. This weekly publication wielded a wide influence not alone in the State of California but throughout the country.

Under the tutelage of the late Harvey Scott, one of the country's most outstanding editors, Alfred Holman laid the foundation for his newspaper work on the Portland *Oregonian*. It was not surprising that this young man, ambitious for a newspaper career, should seek a position on the leading daily of his native state. Holman remained on the staff of the *Oregonian* from 1877 to 1888, serving as reporter and as assistant editor. No newspaper on the Pacific Coast offered a more promising field for training, for its standards were high and it was most ably edited.

Alfred Holman's name was connected with other leading Pacific Coast and California newspapers, serving as editor of the Seattle *Post-Intelligencer*, the San Jose *Mercury*, now the *Mercury-Herald*, the Sacramento *Union*, and during more recent years, the San Francisco *Bulletin*, since consolidated with the San Francisco *Call*. For a number of years he edited the *Pacific Rural Press* in San Francisco, a publication which has contributed materially to the agricultural development of California and the Pacific Coast.

Outside of California came recognition of Holman's abilities. For a number of years he was special Pacific Coast correspondent of the New York *Times*. He served as a trustee of the Carnegie Peace Endowment Fund, and in 1926 was selected to make a survey of South America for that organization. As a member of the Advisory Board of the Pulitzer School of Journalism at Columbia University he entered upon a work that was most congenial.

During his journalistic career Alfred Holman won for himself a host of friends. Kindly, diplomatic, steadfast in the policies advocated, he contributed no small part in the progress of California, and was held in the highest esteem by his colleagues of the fourth estate.

J. R. KNOWLAND.

LILLIE B. MATSON

A career in which charitable activities played a large part, came to an end on June 23, 1930, when, following a long illness, Lillie B. Matson passed away, aged 66, at her country estate in Woodside, California.

Mrs. Matson, a native of New York, was the widow of the late Captain William Matson, famous pioneer in maritime development, who arrived in San Francisco from Sweden in 1867; and was the mother of Mrs. Lurline B. Roth.

A. T. LEONARD, JR., M.D.